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**1999**

# **Illinois Register**

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## **Rules of Governmental Agencies**

Volume 23, Issue 05 — January 29, 1999

Pages 1,180 – 1,464

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April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 14, 2000 - Issue 3: Through	December 31, 1999 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
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Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
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Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
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Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

\* Monday following a state holiday.

\*\* Tuesday following a state holiday.

\*\*\* Since the state holiday is a Monday, the deadline is Noon on Tuesday.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Certification of Alternative Retail Electric Suppliers

2) Code Citation: 83 Ill. Adm. Code 451

3) Section Numbers: Proposed Action:

451.10	New Section
451.20	New Section
451.30	New Section
451.40	New Section
451.200	New Section
451.210	New Section
451.220	New Section
451.230	New Section
451.240	New Section
451.250	New Section
451.260	New Section
451.270	New Section
451.300	New Section
451.310	New Section
451.320	New Section
451.330	New Section
451.340	New Section
451.350	New Section
451.360	New Section
451.370	New Section
451.400	New Section
451.410	New Section
451.420	New Section
451.430	New Section
451.440	New Section
451.450	New Section

4) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

5) A Complete Description of the Subjects and Issues Involved: The requirements for the certification of alternative retail electric suppliers ("ARES") are found in Section 16-115 of the Public Utilities Act ("Act"). Section 16-115(f) states that "[t]he Commission shall have the authority to promulgate rules and regulations to carry out the provisions of this Section". The Commission has previously initiated a rulemaking to provide for the expedited treatment of the applications of those ARES seeking to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more. The rules proposed at this time are for the treatment of applications of those ARES that either do not qualify for expedited treatment or choose not to avail themselves of expedited procedures should they qualify. The proposed rules cover the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

financial, technical, and managerial criteria for certification.

6) Will these proposed rules replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? Yes

9) Are there any other proposed rules pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
451.10	New Section	23 Ill. Reg. 1
451.20	New Section	23 Ill. Reg. 1
451.30	New Section	23 Ill. Reg. 1
451.40	New Section	23 Ill. Reg. 1
451.100	New Section	23 Ill. Reg. 1
451.110	New Section	23 Ill. Reg. 1
451.120	New Section	23 Ill. Reg. 1
451.130	New Section	23 Ill. Reg. 1
451.140	New Section	23 Ill. Reg. 1
451.150	New Section	23 Ill. Reg. 1
451.160	New Section	23 Ill. Reg. 1

10) Statement of Statewide Policy Objectives: These rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield IL 62794-9280  
(217) 782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed rules will affect any subject alternative retail electric supplier that is also a small business as defined in the Illinois Administrative Procedure Act.



## ILLINOIS COMMERCE COMMISSION

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B) Reporting, bookkeeping or other procedures required for compliance:  
Filing procedures

C) Types of professional skills necessary for compliance: Managerial skills

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Rules begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER C: ELECTRIC UTILITIES

## PART 451

## CERTIFICATION OF ALTERNATIVE RETAIL ELECTRIC SUPPLIERS

## SUBPART A: GENERAL PROVISIONS

## Section

451.10 Definitions

451.20 Requirements for All Applicants under Section 16-115(d) of the Act

451.30 Required Filings and Procedures

451.40 Customer Records and Information

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE  
NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL  
CONSUMPTION GREATER THAN 15,000 kWh

## Section

451.200 Applicability of Subpart C

451.210 General Qualifications under Subpart C

451.220 Financial Qualifications under Subpart C

451.230 Technical Qualifications under Subpart C

451.240 Managerial Qualifications under Subpart C

451.250 Qualifications of Agents and Contractors under Subpart C

451.260 Commission Order in Proceedings under Subpart C

451.270 Confidential Documentation under Subpart C

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL  
CUSTOMERS INCLUDING SMALL COMMERCIAL RETAIL CUSTOMERS BUT  
EXCLUDING RESIDENTIAL CUSTOMERS

## Section

451.300 Applicability of Subpart D

451.310 General Provisions of Subpart D

451.320 Financial Qualifications under Subpart D

451.330 Technical Qualifications under Subpart D

451.340 Managerial Qualifications under Subpart D

451.350 Qualifications of Agents and Contractors under Subpart D

451.360 Commission Order in Proceedings under Subpart D

451.370 Confidential Documentation under Subpart D

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION  
PURSUANT TO SECTION 16-115(e) OF THE ACT

## Section

451.400 Applicability of Subpart E

451.410 Required Filings and Procedures under Subpart E

451.420 Technical Qualifications under Subpart E



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

451.430 Qualifications of Agents and Contractors under Subpart E  
 451.440 Commission Order in Proceedings under Subpart E  
 451.450 Confidential Documentation under Subpart E

AUTHORITY: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

SOURCE: Adopted at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 451.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means the same as the term is defined in Section 16-102 of the Act [220 ILCS 5/16-102].

"Applicant" means an entity that files an application with the Illinois Commerce Commission to provide electric service as an alternative retail electric supplier under Section 16-115 of the Act [220 ILCS 5/16-115].

"Business enterprise" means a commercial enterprise or establishment.

"Commission" means the Illinois Commerce Commission.

"Management position" means an employed position whereby an individual is responsible for directing, supervising, or administering the activities of a group of two or more people with fiscal responsibility and authority over that group.

"Retail customer", as used in this Part, means a retail customer as defined in Section 16-102 of the Act.

"Small commercial retail customer" means the same as the term is defined in Section 16-102 of the Act.

"Technical staff" means a staff of trained technical experts in electric power and energy supply, including persons who have completed an accredited or otherwise recognized apprenticeship program or a formal education program and persons who possess no less than four years of experience working in a similar position with a utility, ARES or related business. This shall also include those persons registered as professional engineers as required by the Professional Engineering Practice Act of 1989 [225 ILCS 325].

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

## Section 451.20 Requirements for All Applicants under Section 16-115(d) of the Act

Each applicant, except electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an ARES, and applicants under Subpart E for certification as an ARES, must include with its application the following items, as required by Section 16-115(d) of the Act:

- a) The applicant shall certify that it will comply with all applicable Federal, State, regional and industry rules, policies, practices, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system (including the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service and the OASIS reservation process) and shall agree to submit good faith schedules of transmission and energy in accordance with applicable tariffs.
- b) The applicant shall certify that it will provide service only to retail customers that are eligible to take delivery services.
- c) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may by rule establish.
- d) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may establish regarding providing the information required by Section 16-112 of the Act [220 ILCS 5/16-112]. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes that the Commission determines are reasonably necessary in order to carry out the purposes of the Act.
- e) The applicant shall certify that it complies with the requirements of Section 16-115(d)(5) of the Act and that it will remain in compliance with such requirements and will annually certify such compliance to the Commission within 30 days after the anniversary date of its certification. Applicant shall provide the following:
  - 1) Applicant's name, street address and phone number.
  - 2) Applicant's Federal Employer Identification Number (FEIN).
  - 3) Names and addresses of all of applicant's affiliated companies involved in electric retail sales or purchases in the North American continent.
- f) The applicant shall demonstrate that:
  - 1) The applicant is licensed to do business in the State of Illinois; and
  - 2) The employees of the applicant that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, or any



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entity with which the applicant has contracted to perform those functions within the State of Illinois, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)].

- g) Applicant shall certify compliance with all other applicable laws, regulations, and Commission rules and orders.

**Section 451.30 Required Filings and Procedures**

- a) The applicant shall publish notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission when notice publication has been accomplished.
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The applicant shall identify the geographic area or geographic areas in which the applicant seeks to be authorized to offer service and the types of services it intends to offer. Applicant shall provide the following:

- 1) Description of the Applicant's business.
- 2) Description of the customer class(es) applicant proposes to serve.

- d) Itemized filing requirements

- 1) At the time an ARES files an application for certification under this Part, the applicant shall also file its direct testimony, supporting documents, and exhibits containing information showing that the applicant meets the requirements of Section 16-115 of the Act [220 ILCS 5/16-115].

- 2) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(a) of the Act [220 ILCS 5/16-115A(a)] and that it will remain in compliance with such terms and conditions and will annually certify such compliance to the Commission within 30 days after the anniversary date of its certification.

- 3) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(b) of the Act [220 ILCS 5/16-115A(b)].

- 4) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(f) of the Act [220 ILCS 5/16-115A(f)].

- 5) The applicant shall demonstrate that it meets the requirements of and shall comply with Section 16-128(c) and (d) of the Act [220 ILCS 5/16-128(c) and (d)].

- 6) Applicant shall certify compliance with all terms and conditions

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- required by Section 16-119 of the Act [220 ILCS 5/16-119].
- 7) Applicant shall certify compliance with all terms and conditions required by Section 16-123 of the Act [220 ILCS 5/16-123].
  - 8) Applicant shall certify compliance with all terms and conditions required by Section 16-125 of the Act [220 ILCS 5/16-125].
  - 9) Applicant shall certify compliance with all terms and conditions required by Section 16-127 of the Act [220 ILCS 5/16-127].
  - e) Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200: Subpart B).

**Section 451.40 Customer Records and Information**

- a) The applicant shall agree to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. In addition to other lawful means of discovery, these records shall be made available by request to the Commission or its Staff on a confidential and proprietary basis, as necessary to carry out the Commission's obligations under the Act.
- b) The applicant shall agree to adopt and follow rules and procedures to preserve the confidentiality of its customer's data.

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL CONSUMPTION GREATER THAN 15,000 kWh

**Section 451.200 Applicability of Subpart C**

This Subpart shall apply to the certification of all alternative retail electric suppliers that seek to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh. The requirements in this Subpart are in addition to the requirements of Subpart A. Sections 451.220 through 451.240 do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an alternative retail electric supplier.

**Section 451.210 General Qualifications under Subpart C**

Applicant shall certify compliance with all terms and conditions required by Section 16-115A(c) of the Act [220 ILCS 5/16-115A(c)].

**Section 451.220 Financial Qualifications under Subpart C**

- a) The applicant shall execute and maintain a bond issued by a surety company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois in the amount of



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\$150,000. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES. The cost of the bond shall be paid by the applicant. The applicant shall provide a copy of this bond as part of its application for certification.

- b) The applicant must establish and maintain sufficient financial ability and resources to satisfy the obligation to remit to utilities moneys that the ARES collects under single billing tariffs adopted pursuant to Section 16-118(b) of the Act [220 ILCS 5/16-118(b)] at such time the applicant applies to provide that service. The applicant may demonstrate this creditworthiness in one of four ways:

- 1) The applicant may undertake to post and maintain a bond or bonds issued by a surety or financial institution chartered by the United States or the State of Illinois in favor of any Illinois utility in whose service territory the applicant will serve retail customers in an amount equal to 15% of a good faith estimate of the total amount that the applicant expects to be obligated to pay to the utility under single billing tariffs adopted pursuant to Section 16-118(b) of the Act [220 ILCS 5/16-118(b)] during the next twelve months. The applicant shall provide a copy of the bonding agreement(s) and the bond(s) at such time the applicant applies to provide single billing service. The bond(s) shall be conditioned on the full and timely payment of all amounts due to the utility in accordance with the terms specified in the single billing tariffs. The applicant post the bond(s) with the utility within 10 days after being certified to provide single billing service, and a replacement bond, in the amount specified above, shall be filed with the Commission every three months thereafter.

- 2) The applicant may deliver an irrevocable letter of credit issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor in the same amount and in favor of the same parties as the bond that would otherwise be required. The letter of credit shall provide that a draft will be honored in accordance with the terms specified in the single billing tariffs. The initial letter shall be valid for a period of not less than one year after the date on which the applicant begins to provide single billing service and it shall be renewed or replaced thereafter every three months so long as the ARES remains certified. The proposed form of the letter of credit shall be filed at such time the applicant applies to provide single billing service.

- 3) The applicant maintains at least two of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its

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successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least two of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the ratings reports that present these ratings at such time the applicant applies to provide single billing service and shall file an updated ratings reports with the Clerk of the Commission not less than once every three months.

- 4) The obligations of the applicant to Illinois utilities have been unconditionally guaranteed by an affiliate of the applicant that maintains at least two of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor or F-2 or higher from Fitch IBCA or its successor; or at least two of the following long-term bond ratings: BBB- from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- from Fitch IBCA or its successor. The applicant shall provide a copy of the ratings report that presents these ratings of the affiliate and a copy of the guarantee at such time the applicant applies to provide single billing service and shall file an updated ratings report with the Clerk of the Commission not less than once every three months.

- c) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only nonresidential retail customers with annual electrical consumption in excess of 15,000 kilowatt hours if it meets any of the following criteria:

- 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide with its application a copy of the ratings reports that present these ratings.

- 2) The applicant has a borrowing agreement with an affiliate that has at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term



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bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

- A) The ratings reports that present the ratings of the affiliate; and
- B) The borrowing agreement.
- 3) The obligations of the applicant have been unconditionally guaranteed by an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:
  - A) The ratings reports that present the ratings of the affiliate; and
  - B) The guarantee.
- 4) The applicant has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor in an amount equal to at least 7.5% of the amount of revenue for the last 12-month period shown on the applicant's last financial statements that have received an accountant's report, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998, that certifies those financial statements to be free of material misstatement. The applicant shall provide a copy of the following:
  - A) The line of credit or revolving credit agreement;
  - B) The Standard & Poor's, Moody's, Investors Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit;
  - C) Its certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and
  - D) The accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998.
- d) An applicant that will engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or

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taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (c) of this Section may demonstrate it has sufficient financial resources for the services for which it seeks a certificate of service authority if it has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. If the amount of the line of credit or revolving credit agreement is of insufficient size or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission may deny granting that certificate of service authority. In its application, the applicant shall provide the following:

- 1) An explanation of why it does not meet any of the criteria set forth in subsection (c);
- 2) The amount of its line of credit or revolving credit agreement;
- 3) An explanation of why the amount of its line of credit or revolving credit agreement is sufficient for the services for which it seeks a certificate of service authority and how its supporting documentation demonstrates that sufficiency;
- 4) The line of credit or revolving credit agreement;
- 5) The Standard & Poor's, Moody's, Investors Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit; and
- 6) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998. If the applicant does not have certified financial statements and an accounting report, the applicant shall provide all of the following:
  - A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
  - B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
  - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
  - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months through which the applicant will purchase goods or services to be utilized in performing its function as an ARS;
  - E) Copies of all contracts with outside contractors and with all affiliated entities;
  - F) A projected budget for the next three fiscal years following



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the current year; and

G) If available:

- i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
- ii) The most recent federal and state income tax return; and
- iii) General ledgers for the most recent 12 month period available.

e) An applicant that will not engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (c) shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it will provide. If the applicant's financial resources are not sufficient for the services it will provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission may deny granting that certificate of service authority. In its application, the applicant shall provide the following:

- 1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it will provide; and
- 2) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
  - A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
  - B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
  - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
  - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months through which the applicant will purchase goods or services to be utilized in performing its function as an ARRS;
  - E) Copies of all contracts with outside contractors and with all affiliated entities;
  - F) A projected budget for the next three fiscal years following

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the current year; and

G) If available:

- i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
- ii) The most recent federal and state income tax return; and
- iii) General ledgers for the most recent 12 month period available.

## Section 451.230 Technical Qualifications under Subpart C

a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed, and meets the criteria in subsections (b) and (c) of this Section.

b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has individuals on its staff with demonstrated two years electric sales experience, two years electric system operational experience, three months experience with OASIS reservation processes, three months experience with NERC tagging processes, and one years experience working with rules and practices established by NERC and MAIN and/or MAPP and provides, or has arranged to provide, the following:

- 1) A scheduling facility with 24 hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and
- 2) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.
- c) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- d) In the event the applicant does not meet length of experience qualifications set forth in this Section, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.



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**Section 451.240 Managerial Qualifications under Subpart C**

An applicant shall be deemed to possess sufficient managerial capabilities to serve customers identified in this Subpart if it has one person in management with four or more years demonstrated experience in a management position with enterprise financial and administration responsibilities including profit and loss responsibilities and provides the information required in subsections (a) and (b).

- a) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of persons indicated in subsection (a).
- c) In the event the applicant does not meet the managerial qualifications set forth above, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

**Section 451.250 Qualifications of Agents and Contractors under Subpart C**

An applicant may meet the requirements of Sections 451.230 and 451.240 by entering into one or more contracts with others to provide the required services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.230 or 451.240 is disclosed in the application;
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

**Section 451.260 Commission Order in Proceedings under Subpart C**

The Commission shall issue an order granting or denying an application filed under this Subpart C within 45 days after the date on which a complete application has been filed with the Commission, or the date on which the notice of the application's filing is published in the Official State Newspaper, whichever is later.

**Section 451.270 Confidential Documentation under Subpart C**

If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential. Such information shall be marked as "confidential," and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in a

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supporting document pursuant to Section 451.30(d)(1). The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.

**SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL CUSTOMERS INCLUDING SMALL COMMERCIAL RETAIL CUSTOMERS BUT EXCLUDING RESIDENTIAL CUSTOMERS**

**Section 451.300 Applicability of Subpart D**

Subpart D shall apply to applicants who seek to serve all retail customers including small commercial retail customers but excluding residential customers. The requirements of this Subpart are in addition to the requirements of Subpart A. Sections 451.320 through 451.340 do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an alternative retail electric supplier.

**Section 451.310 General Provisions of Subpart D**

- a) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(c) of the Act [220 ILCS 5/16-115A(c)].
- b) An applicant that seeks to serve customers within a geographic area that is smaller than an electric utility's service area shall demonstrate that the designation of this smaller area does not violate any part of Section 16-115A of the Act [220 ILCS 5/16-115A]. Applicant should state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served and certify that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.
- c) The applicant shall certify that it will comply with the following requirements with respect to the marketing, offering and provision of products or services to small commercial retail customers:
  - 1) Any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that the alternative retail electric supplier is offering or selling to the customer.
  - 2) Before any customer is switched from another supplier, the alternative retail electric supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services



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- being offered and sold to the customer.
- 3) An alternative retail electric supplier shall provide documentation to the Commission and to customers that substantiates any claims made by the alternative retail electric supplier regarding the technologies and fuel types used to generate the electricity offered or sold to customers.
  - 4) The alternative retail electric supplier shall provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices; and an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer.
  - d) The applicant shall certify that it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential small commercial retail customers and before executing any agreements or contracts with such customers.
  - e) The applicant shall certify that it will provide consumer education program materials (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) at no charge to customers upon request.
  - f) The applicant shall certify that it will provide customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act).

## Section 451.320 Financial Qualifications under Subpart D

- a) The applicant shall execute and maintain a bond issued by a surety company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois in the amount of \$300,000. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES. The cost of the bond shall be paid by the applicant. The applicant shall provide a copy of this bond as part of its application for certification.
- b) The applicant must establish and maintain sufficient financial ability and resources to satisfy the obligation to remit to utilities moneys that the ARES collects under single billing tariffs adopted pursuant to Section 16-118(b) of the Act [220 ILCS 5/16-118(b)] at such time the applicant applies to provide that service. The applicant may demonstrate this creditworthiness in one of four ways:
  - 1) The applicant may undertake to post and maintain a bond or bonds issued by a surety or financial institution chartered by the United States or the State of Illinois in favor of any Illinois utility in whose service territory the applicant will serve

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- retail customers in an amount equal to 15% of a good faith estimate of the total amount that the applicant expects to be obligated to pay to the utility under single billing tariffs adopted pursuant to Section 16-118(b) of the Act [220 ILCS 5/16-118(b)] during the next twelve months. The applicant shall provide a copy of the bonding agreement(s) and the bond(s) at such time the applicant applies to provide single billing service. The bond(s) shall be conditioned on the full and timely payment of all amounts due to the utility in accordance with the terms specified in the single billing tariffs. The applicant shall post the bond(s) with the utility within 10 days after being certified to provide single billing service, and a replacement bond, in the amount specified above, shall be filed with the Commission every three months thereafter.
- 2) The applicant may deliver an irrevocable letter of credit issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor in the same amount and in favor of the same parties as the bond that would otherwise be required. The letter of credit shall provide that a draft will be honored in accordance with the terms specified in the single billing tariffs. The initial letter shall be valid for a period of not less than one year after the date on which the applicant begins to provide single billing service and it shall be renewed or replaced thereafter every three months so long as the ARES remains certified. The proposed form of the letter of credit shall be filed at such time the applicant applies to provide single billing service.
  - 3) The applicant maintains at least two of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least two of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the ratings reports that present these ratings at such time the applicant applies to provide single billing service and shall file an updated ratings reports with the Clerk of the Commission not less than once every three months.
  - 4) The obligations of the applicant to Illinois utilities have been unconditionally guaranteed by an affiliate of the applicant that maintains at least two of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or



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higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor or F-2 or higher from Fitch IBCA or its successor; or at least two of the following long-term bond ratings: BBB- from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- from Fitch IBCA or its successor. The applicant shall provide a copy of the ratings report that presents these ratings of the affiliate and a copy of the guarantee at such time the applicant applies to provide single billing service and shall file an updated ratings report with the Clerk of the Commission not less than once every three months.

- c) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only non-residential customers if it meets any of the following criteria:

1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide with its application a copy of the ratings reports that present these ratings.

2) The applicant has a borrowing agreement with an affiliate that has at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

- A) The ratings reports that present the ratings of the affiliate; and
  - B) The borrowing agreement.
- 3) The obligations of the applicant have been unconditionally guaranteed by an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its

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successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

- A) The ratings reports that present the ratings of the affiliate; and
- B) The guarantee.

4) The applicant has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor in an amount equal to at least 10% of the amount of revenue for the last 12-month period shown on the applicant's last financial statements that have received an accountant's report, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998, that certifies those financial statements to be free of material misstatement. The applicant shall provide a copy of the following:

- A) The line of credit or revolving credit agreement;
- B) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit;

C) Its certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and

D) The accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998.

d) An applicant that will engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (c) of this Section may demonstrate it has sufficient financial resources for the services for which it seeks a certificate of service authority if it has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. If the amount of the line of credit or revolving credit agreement is of insufficient size or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission may deny granting that certificate of service authority. In its application, the applicant shall provide the following:

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- 1) An explanation of why it does not meet any of the criteria set forth in subsection (c);
- 2) The amount of its line of credit or revolving credit agreement;
- 3) An explanation of why the amount of its line of credit or revolving credit agreement is sufficient for the services for which it seeks a certificate of service authority and how its supporting documentation demonstrates that sufficiency;
- 4) The line of credit or revolving credit agreement;
- 5) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit; and
- 6) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
  - A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
  - B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
  - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
  - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months through which the applicant will purchase goods or services to be utilized in performing its function as an ARES;
  - E) Copies of all contracts with outside contractors and with all affiliated entities;
  - F) A projected budget for the next three fiscal years following the current year; and
  - G) If available:
    - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
    - ii) The most recent federal and state income tax return; and
    - iii) General ledgers for the most recent 12 month period available.
- e) An applicant that will not engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (c) shall describe its financial

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resources and explain why those financial resources are sufficient for the goods and services it will provide. If the applicant's financial resources are not sufficient for the services it will provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission may deny granting that certificate of service authority. In its application, the applicant shall provide the following:

- 1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it will provide; and
- 2) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
  - A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
  - B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
  - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
  - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months through which the applicant will purchase goods or services to be utilized in performing its function as an ARES;
  - E) Copies of all contracts with outside contractors and with all affiliated entities;
  - F) A projected budget for the next three fiscal years following the current year; and
  - G) If available:
    - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
    - ii) The most recent federal and state income tax return; and
    - iii) General ledgers for the most recent 12 month period available.

## Section 451.330 Technical Qualifications under Subpart D

- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains a



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technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed, and meets the criteria in subsections (b) and (c) of this Section.

- b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has individuals on its staff with demonstrated four years electric sales experience, four years electric system operational experience, six months experience with OASIS reservation processes, six months experience with NERC tagging processes, and two years experience working with rules and practices established by NERC and MAIN and/or MAPP and provides, or has arranged to provide, the following:

- 1) A scheduling facility with 24 hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and
- 2) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.

- c) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.

- d) In the event the applicant does not meet length of experience qualifications set forth above, the applicant shall demonstrate that extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

**Section 451.340 Managerial Qualifications under Subpart D**

An applicant shall be deemed to possess sufficient managerial capabilities to serve retail customers identified in this Subpart if it has three or more individuals in management positions with four or more years demonstrated experience in a management position with enterprise financial and administration responsibilities including profit and loss responsibilities, four years electric sales experience, and four years electric system operational experience and provides the information required in subsections (a) and (b).

- a) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of persons indicated in subsection (a).
- c) In the event the applicant does not meet the managerial qualifications

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set forth above, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

**Section 451.350 Qualifications of Agents and Contractors under Subpart D**

An applicant may meet the requirements of Sections 451.330 and 451.340 by entering into one or more contracts with others to provide the required services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.330 or 451.340 is disclosed in the application;
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

**Section 451.360 Commission Order in Proceedings under Subpart D**

The Commission shall issue an order granting or denying an application filed under this Subpart D within 45 days after the date on which a complete application has been filed with the Commission, or the date on which the notice of the application's filing is published in the Official State Newspaper, whichever is later.

**Section 451.370 Confidential Documentation under Subpart D**

If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in a supporting document pursuant to Section 451.30(d)(1). The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.

**SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION  
PURSUANT TO SECTION 16-115(e) OF THE ACT**

**Section 451.400 Applicability of Subpart E**

This Subpart shall apply to a retail customer that owns a cogeneration or self-generation facility and that seeks certification as an ARES only to provide electric power and energy from such facility to retail customers, at separate locations, if the customers are both owned by, or are subsidiaries or other corporate affiliates of, the applicant and are eligible for delivery services.

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**Section 451.410 Required Filings and Procedures under Subpart E**

- a) The applicant shall publish notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission when notice publication has been accomplished.
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The applicant shall verify the following:
  - 1) Applicant's name, street address and phone number.
  - 2) Description and location of cogeneration or self-generation facility that applicant owns.
  - 3) Description(s) and location(s) of retail customers to be serviced by applicant and shall provide:
    - A) Description of relationship between applicant and retail customers; and
    - B) Verification that the retail customers are eligible for delivery service.
- d) The applicant shall verify that it has entered into an agreement with the relevant electric utilities pursuant to Section 16-118.
- e) The applicant shall comply with the requirements of Section 451.20(a).
- f) Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200: Subpart B).

**Section 451.420 Technical Qualifications under Subpart E**

- a) Applicant shall be deemed to possess sufficient technical capabilities to serve nonresidential retail customers under this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed.
- b) Applicant provides, or has arranged to provide, a scheduling facility with 24 hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.
- c) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.
- d) The applicant shall include in its application an exhibit containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.

**Section 451.430 Qualifications of Agents and Contractors under Subpart E**

An applicant may meet the requirements of Section 451.420 by entering into one

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

or more contracts with others to provide the required services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.420 is disclosed in the application;
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

**Section 451.440 Commission Order in Proceedings under Subpart E**

The Commission shall issue an order granting or denying an application filed under this Subpart E within 45 days after the date on which a complete application has been filed with the Commission, or the date on which the notice of the application's filing is published in the Official State Newspaper, whichever is later.

**Section 451.450 Confidential Documentation under Subpart E**

If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in supporting documentation filed with the application. The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses

2) Code Citation: 77 Ill. Adm. Code 2060

3) Section Numbers: 2060.217  
Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

5) A Complete Description of the Subjects and Issues involved: This rulemaking amends this Section to add a new requirement. The new requirement will allow the Department to consider community support and opposition to proposed programs and sites before determining whether to grant a license.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: 217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: This amendment was not anticipated at the time of the development of the Regulatory Agenda.

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: LICENSURE  
PART 2060  
ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT  
AND INTERVENTION LICENSES

## SUBPART A: GENERAL REQUIREMENTS

Section  
2060.101 Applicability  
2060.103 Incorporation by Reference and Definitions

## SUBPART B: LICENSURE REQUIREMENTS

Section  
2060.201 Types of Licenses  
2060.203 Off-Site Services  
2060.205 Unlicensed Practice  
2060.207 Organization Representative  
2060.209 Ownership Disclosure  
2060.211 License Application Forms  
2060.213 License Application Fees  
2060.215 Period of License  
2060.217 License Processing/Review Requirements  
2060.219 Renewal of License  
2060.221 Change of Ownership/Management  
2060.223 Dissolution of the Corporation  
2060.225 Relocation of Facility  
2060.227 License Certificate Requirements

## SUBPART C: REQUIREMENTS - ALL LICENSES

Section  
2060.301 Federal, State and Local Regulations and Court Rules  
2060.303 Rule Exception Request Process  
2060.305 Facility Requirements  
2060.307 Service Termination/Record Retention  
2060.309 Professional Staff Qualifications  
2060.311 Staff Training Requirements  
2060.313 Personnel Requirements and Procedures  
2060.315 Quality Improvement  
2060.317 Service Fees  
2060.319 Confidentiality - Patient Information  
2060.321 Confidentiality - HIV Antibody/AIDS Status  
2060.323 Patient Rights  
2060.325 Patient/Client Records

## DEPARTMENT OF HUMAN SERVICES

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2060.327 Emergency Patient Care  
2060.329 Referral Procedure  
2060.331 Incident and Significant Incident Reporting  
2060.333 Complaints  
2060.335 Inspections  
2060.337 Investigations  
2060.339 License Sanctions  
2060.341 License Hearings

## SUBPART D: REQUIREMENTS - TREATMENT LICENSES

Section  
2060.401 Levels of Care  
2060.403 Court Mandated Treatment  
2060.405 Detoxification  
2060.407 Group Treatment  
2060.409 Patient Education  
2060.411 Recreational Activities  
2060.413 Medical Services  
2060.415 Infectious Disease Control  
2060.417 Patient Placement  
2060.419 Assessment for Treatment Planning  
2060.421 Treatment Plans  
2060.423 Subsequent Patient Placement  
2060.425 Progress Notes  
2060.427 Discharge

## SUBPART E: REQUIREMENTS - INTERVENTION LICENSES

Section  
2060.501 General Requirements  
2060.503 DUI Evaluation  
2060.505 DUI Risk Education  
2060.507 Designated Program  
2060.509 Recovery Homes

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. 13519, effective October 3, 1996; recodified from Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: LICENSURE REQUIREMENTS

## Section 2060.217 License Processing/Review Requirements



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## NOTICE OF PROPOSED AMENDMENTS

- a) All licensure applications are deemed received by the Department on the postmarked date.
- b) The Department shall notify the organization regarding any error or omission found after review of the application. The organization shall submit all requested information within 90 calendar days after the date of the Department's notification. If the organization fails to submit all required information within this 90 day period, the entire application will be returned and the process will be terminated. To re-initiate the process after this 90 day period, the organization shall re-submit the corrected application and another application fee.
- c) The Department may verify the data furnished in any application for licensure. Submission of an application carries implied consent to permit inquiry into the data furnished when an examination of submitted information discloses an anomaly or disparity in the information in comparison to that on file with the Department or other data submitted by other organizations, or information about the organization, facility, staff and/or board of directors received by the Department.
- d) The Department may, either before or after the issuance of a license, request the cooperation of the State Fire Marshal, county health departments, or local boards of health to make investigations if the Department is unable through its own resources to ascertain compliance with this Part.
- e) Prior to issuance or renewal of a license and upon receipt by the Department of evidence to the contrary, the Department may seek to verify that the physical, mental and professional capability and integrity of management, control and/or ownership personnel is sufficient to assure that the applicant can perform anticipated services with reasonable judgement, skill and safety. In determining such capability and integrity the Department may consider, but is not limited to, the following:
- 1) the accuracy of materials and information maintained and/or submitted in the course of the establishment or operation of the services;
  - 2) prior criminal conduct by personnel;
  - 3) prior violations of this Part or any other Department Rule by the organization or by personnel either as current employees of the organization applying for licensure or as employees of any other organization that has held or holds a license from the Department;
  - 4) competent evidence of emotional, psychological and/or physical impairment which may substantially interfere with the provision of services as licensed; or
  - 5) the timeliness of responses to the Department's reasonable requests for information from such personnel.
- f) The Department may investigate the background of staff members, if deemed necessary, to assure that these individuals satisfy applicable professional requirements and/or standards referenced in Sections

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2060.309 and 2060.313 of this Part.

- g) The Department may consider community support or opposition to proposed programs and sites before determining whether to grant or deny a license to an organization for any specific site or program.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: Proposed Action:  
679.50 Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: A new subsection is being added to this Section to add the Service Cost Maximums for services to a person with a brain injury. This rulemaking is part of the actions needed to initiate services under the Medicaid Waiver for Persons with Brain Injuries.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation  
679.50 Amendment 22 Ill. Reg. 16031

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

## DEPARTMENT OF HUMAN SERVICES

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendment(s) begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 679

## DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section	
679.10	General Provisions
679.20	Composition of the DON
679.30	Scoring of the DON Except for Respite Cases
679.40	Scoring the DON for Respite Cases
679.50	Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly corresponds ~~correspondent~~ to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.

- b) The SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 809 711
33 through 40	930 887
41 through 49	1,034 986
50 through 59	1,238 1180
60 through 69	1,455 1387
70 through 79	1,574 1500
80 through 100	1,692 1613

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- c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 1,042 993
33 through 40	1,562 1489
41 through 49	2,083 1986
50 through 59	2,604 2482
60 through 69	3,125 2979
70 through 79	3,645 3475
80 through 100	4,167 3972

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.
- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

- f) The monthly SCMs for individuals served under the Medicaid Waiver for Persons with a Brain Injury are:

Total DON Score	SCM
29 through 32	\$ 902
33 through 40	1,001
41 through 49	1,112
50 through 59	1,332
60 through 69	1,566
70 through 79	1,693
80 through 100	1,820

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 5903) Section Numbers: Proposed Action:

590.230	Amendment
590.460	Amendment
590.470	Amendment
590.480	Amendment
590.490	Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].5) A Complete Description of the Subjects and Issues involved: These changes add a new interpreter service for persons with hearing impairments, computer assisted realtime captioning (CART). Also other policy changes that impact the use of sign language interpreters is being added. Other revisions are included to make the rule reflect Office of Rehabilitation Services (ORS) terminology and DHS organization.6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

## DEPARTMENT OF HUMAN SERVICES

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 590  
SERVICES

## SUBPART A: APPLICABILITY

Section  
590.10 General Applicability  
590.20 Availability of Services  
590.30 Effect of Financial Status on Services  
590.35 Effect of Comparable Benefits  
590.40 Choice of Service Providers

## SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section  
590.50 Provision of Services  
590.60 Qualification of Medical and Psychological Service Providers  
590.70 Treatment of Acute Conditions  
590.80 Medication and Treatment  
590.90 Hearing Aids  
590.100 Binaural Hearing Aids  
590.110 Speech and Language Services  
590.120 Low Vision Aids  
590.130 Mental Restoration Services  
590.140 Heart Surgeries  
590.150 Kidney Transplant and Related Services  
590.160 Chiropractic Services  
590.170 Prosthetic and Orthotic Device  
590.180 Wheelchairs  
590.190 Prohibited Services

## SUBPART C: TRAINING AND RELATED SERVICES

Section  
590.200 Provision of Services  
590.210 Qualification of Training Facilities/Institutions  
590.220 Purpose and Types of Training  
590.230 Financial Guidelines for Training Services  
590.240 Graduate School Training  
590.250 Choice of Training Facility/Institution  
590.260 Summer School  
590.270 Grades  
590.280 Health Status  
590.290 On-the-Job Training

## DEPARTMENT OF HUMAN SERVICES

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## 590.300 Default on Educational Loans

## SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section  
590.310 Provision of Services  
590.320 Self-Employment Program  
590.330 Services/Goods not Available  
590.340 Bidding Requirements  
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock  
590.360 Transfer of Title  
590.370 Limitation of Financial Participation (Repealed)

## SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section  
590.375 Provision of Services  
590.380 Vendor Requirements  
590.390 Bidding Requirements  
590.400 Vehicle Adaptation  
590.410 DHS-ORS Financial Participation in Van Adaptation  
590.420 Environmental Modification  
590.430 Written Agreements for Environmental Modification  
590.440 Compliance with Capital Development Board Specifications

## SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section  
590.450 Provision of Services  
590.460 Types of Services  
590.470 Services/Equipment  
590.480 Qualifications for Services Provided by Individuals  
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

## SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section  
590.500 Provision of Services (Repealed)  
590.510 Definitions (Repealed)  
590.520 Purpose of Equipment Loans (Repealed)  
590.530 Criteria for Loan of Equipment/Aids (Repealed)  
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)  
590.550 Duration of Loans (Repealed)  
590.560 Maintenance and Return of Equipment/Aids (Repealed)  
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)  
590.580 Limitations on Available Equipment/Aids (Repealed)

## DEPARTMENT OF HUMAN SERVICES

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## SUBPART H: OTHER SERVICES

Section  
590.590 Provision of Services  
590.600 Transportation and Temporary Lodging  
590.610 Other Goods and Services  
590.620 Equipment Sets

## SUBPART I: PLACEMENT

Section  
590.630 Provision of Placement Services  
590.640 Description of Services

## SUBPART J: MAINTENANCE

Section  
590.650 Provision of Services  
590.660 Definitions  
590.670 Determination of the Need for Maintenance  
590.675 Determination of Client Financial Participation in Maintenance  
590.680 Exceptions to Basic Needs Level

## SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services  
590.710 Definitions  
590.720 Scope of Services

## SUBPART L: TRANSITION

590.730 Provision of Services  
590.740 Definitions  
590.750 Secondary Transitional Experience Program (STEP)

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

**SOURCE:** Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375,

## DEPARTMENT OF HUMAN SERVICES

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effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: TRAINING AND RELATED SERVICES

## Section 590.230 Financial Guidelines for Training Services

- a) Training services shall be provided to a customer client in accordance with the provisions set forth at 89 Ill. Adm. Code 562 552 - Customer Client Financial Participation. In addition, if post-secondary training is to be provided, prior to expenditure of DHS-ORS funds, the counselor, with assistance and input of the customer client, must certify that maximum effort to obtain funding for the training from sources of comparable benefits (89 Ill. Adm. Code 567) has been made. An attempt to secure comparable benefits for all training is required except those services, and under those circumstances, listed at 89 Ill. Adm. Code 567.30
- b) DHS-ORS VR Program will assist with the purchase of books, supplies and materials necessary for a customer client to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer Client Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits.
- c) DHS-ORS VR Program will assist with the purchase of transportation services necessary for the customer client to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer Client Financial Participation and 89 Ill. Adm. Code 567 Comparable Benefits when housing is not available for the customer client at the training site.
- d) A DHS-ORS VR Program customer client is required to obtain the medical/health related insurance offered by the training institution which he/she attends, if available. DHS-ORS will assist with the purchase of the insurance coverage in accordance with 89 Ill. Adm. Code 562 - Customer Client Financial Participation and 89 Ill. Adm. Code 567 Comparable Benefits.
- e) DHS-ORS will assist with the purchase of other support services (i.e., tutor services, reader services, note taker services) in accordance with 89 Ill. Adm. Code 562 - Customer Client Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits. If education or language tutorial services ~~for--an individual who is deaf~~ are to be provided to a customer who is deaf client to assist in the completion of his/her training program, the tutor must:
- 1) be certified by the Illinois State Board of Education;
  - 2) hold at least a bachelor's degree in deaf education from an accredited college or university; or
  - 3) be approved by the Chief Administrator ~~Manager--Division~~ of



## DEPARTMENT OF HUMAN SERVICES

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Services for Persons Who Are Deaf or Hard of Hearing. Approval is based upon the individual's signing skills and related experience/education. Skill and education/experience shall be verified by letters of reference provided by the individual from other appropriate service providers, or by resume, and personal interview which shall include an assessment of the individual's signing skills by the Administrator Manager or designee.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

## Section 590.460 Types of Services

- a) For the purpose of this Subpart, Personal Support Services and Auxiliary Aids shall mean services provided by an individual or through electronic/mechanical devices (equipment) which allow customers with sensory, manual or speaking impairment to achieve a level of performance equal to that of an individual who does not have such impairments.
- b) Such services shall include personal assistance (PA) services, interpreter services (i.e., foreign language, sign language), computer assisted realtime captioning (CART), drivers, sensory augmentation devices, readers, notetakers and accessible format documents (e.g., Braille, large print, audio tape).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 590.470 Services/Equipment

- a) DHS-ORS shall provide such services to the customer as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) and/or the Comprehensive Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) for the completion of his/her employment objective as described in his/her IWRP (89 Ill. Adm. Code 572).
- b) Services provided by an individual (i.e., sign language interpreter ~~for the deaf~~, CART, notetaker, reader, PA services) under this Subpart shall continue until the completion-of-the customer's case is closed ~~IWRP--and--attainment--of--a--successful--employment--outcome and as determined necessary by the customer and counselor.~~
- c) DHS-ORS shall retain title to any equipment purchased for use by a customer. Prior to the purchase of any equipment for customer use, the customer must agree to maintain the equipment in proper working order and condition, and agree to return the equipment to DHS-ORS at any time the customer has no further use for the equipment or is

## DEPARTMENT OF HUMAN SERVICES

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otherwise not using the equipment for the purpose for which it was purchased.

- d) The customer may retain the equipment even after he/she has successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code 617, as long as he/she is using the equipment for the purpose for which it was originally purchased.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 590.480 Qualifications for Services Provided by Individuals

Individuals providing services under this Subpart shall meet the following qualifications:

- a) PA services - such individuals shall meet the standards set forth at 89 Ill. Adm. Code 586.10 Personal Assistants (PA) Requirements that enumerates ~~700--Service--Plan--Development--which--enumerate the requirements for individuals who will be employed by the customer to provide PA services through the DHS-ORS Home Services Program.~~
- b) Readers and Notetakers - such an individual shall meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- c) Drivers - such an individual shall be licensed pursuant to the Illinois Motor Vehicle Code, carry at least the minimum required liability insurance, and meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- d) Sign language interpreters shall meet the regulations as set forth in Public Act 90-200. Sign language interpreters must show proof of: ~~interpreters-for-the-deaf---shall--hold--an--appropriate--Registered interpreter-for-the-deaf-(RIB)-certification-or-be-approved-by-DHS-ORS and--meet--the--approval--of--the--customer--with--concurrence-of-the counselor--~~
- 1) a certificate issued by the Registry of Interpreters for the Deaf;
  - 2) a satisfactory evaluation by the National Association of the Deaf;
  - 3) a satisfactory Interpreter Skills Assessment Screening (ISAS) evaluation; or
  - 4) licensure or certification or a satisfactory evaluation or screening in another state.
- e) Foreign Language Interpreters - shall meet the approval of the counselor and customer.
- f) CART providers shall meet the following criteria:
- 1) Illinois Certified Shorthand Reporter;
  - 2) attendance of 6 hours in CART training sponsored by the Illinois Shorthand Reporters Association (ISRA).

## DEPARTMENT OF HUMAN SERVICES

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- 3) DHS-ORS sponsored Sensitivity Training;  
 4) submission of work history, including 4 hours realtime experience.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

- a) Individuals providing PA services shall be paid only for those hours in which services are being provided to the customer in the customer's home or on the customer's worksite and in accordance with the customer's Individualized Plan for Employment (IPE) IWRP (89 Ill. Adm. Code 572). An individual employed by the customer to provide providing PA services to a VA-customer shall be paid at an hourly rate equal to that paid to an individual providing PA services through the DHS-ORS Home Services Program (see 89 Ill. Adm. Code 686.40(a)) 700-2004a77.
- b) An individual providing reader or notetaker services shall be paid only for those hours in which such services are being directly provided to the customer and in accordance with the customer's IPE IWRP (89 Ill. Adm. Code 572). An individual providing reader or notetaker services shall be paid the hourly rate established by DHS-ORS but never less than the hourly Federal Minimum Wage.
- c) An individual providing driver services to a customer shall be paid an hourly rate for all driving and required waiting time and shall be reimbursed for mileage in accordance with State Travel Regulations (see 80 Ill. Adm. Code 3000.Appendix A). An individual providing driver services shall be paid the hourly rate established by DHS-ORS for such services but never less than the Federal Minimum Wage.
- d) An individual providing Interpreter Services, either foreign language, or sign language or CART, shall be paid at the hourly, 1/2 day or full day rate established by DHS-ORS for his/her level of certification/qualification and in accordance with the following:
- 1) minimum payment shall be for a period of 2 hours even though actual work time may be less;
  - 2) if there is less than a one hour lapse during provision of services (e.g., lunch, break) the individual shall be paid for the entire time span of the assignment;
  - 3) an individual who is required to be on site even though he/she does not interpret shall be paid during that period of time;
  - 4) an individual who must travel more than 20 miles one-way for an assignment shall be paid travel reimbursement in accordance with State Travel Regulations (80 Ill. Adm. Code 3000.Appendix A);
  - 5) no payment shall be made to an individual interpreter whose assignment is cancelled more than 48 hours prior to the scheduled beginning of the assignment. If cancellation occurs less than 48

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hours prior to the scheduled beginning of the assignment, for single day assignments the individual interpreter shall be paid for the entire scheduled assignment time. For multiple day assignments, the individual interpreter shall be paid for the time scheduled for the assignment during the first 48 hours of the scheduled assignment;

- 6) if a customer does not appear for a scheduled appointment, the individual interpreter shall stay on-site for one hour. If the customer does not appear after the one hour wait, the individual interpreter shall consult the DHS-ORS contact person for instructions. The individual interpreter shall be paid in accordance with the provisions of subsections Subsection (d)(1), (3) and (5) and reimbursed for travel in accordance with subsection Subsection (d)(4) above;
- 7) if an individual interpreter has to cancel a scheduled assignment, he/she shall contact the DHS-ORS contact person immediately and assist in finding a suitable replacement. The suitability of the replacement shall be determined by the DHS-ORS contact person. An individual interpreter who cancels a scheduled assignment shall not be paid for any of the scheduled services, reimbursed travel cost, or paid a finders fee for locating a replacement.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NUCLEAR SAFETY

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1) Heading of the Part: Fees for Radioactive Material Licenses and Registrants

2) Code Citation: 32 Ill. Adm. Code 331

3) Section Number: Proposed Action:

331.30 Amendment  
331.110 Amendment  
331.115 Amendment  
331.120 Amendment  
331.125 Amendment  
331.200 Amendment  
Appendix E Amendment  
Appendix F Amendment

4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to modify its rules to add definitions for sealed source and device evaluations, exempt custom sealed source and device evaluations from the maintenance fee, clarify the payment and implementation of the annual fees, and correct an incorrect cross reference. The proposal clarifies details of some exemptions and specifically indicates that veterinary services performed by educational institutions are not exempt from fees. The Department is proposing to require in-vitro general licensees to pay only one year of the recovery and remediation fee because of the very small quantity of radioactive material authorized under that general license. The proposal also corrects the titles and descriptions of fee categories 201A, 203A and 208A to include all broad scope licenses, not just Type A.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The Department does not believe that the proposed changes will have an effect on units of governments and will not require units of governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Robert B. Holtsclaw  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
217/524-1003 (voice)  
217/782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: These amendments will positively affect small businesses or not for profit corporations using small quantities of radioactive material in in-vitro kits or holding custom sealed source or device evaluations since their fees will be reduced under these amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendment begins on the next page:

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TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 331  
FEES FOR RADIOACTIVE MATERIAL LICENSEES AND REGISTRANTS

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Radioactive Material Recovery and Remediation Fee
331.115	Payment of Fees
331.120	Implementation
331.125	Refunds
331.130	Full Cost of Review
331.200	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.210	Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee
331.310	Schedule of License Fees (Repealed)
APPENDIX A	TABLE A License Fees - Jan. 1, 1988 - Dec. 31, 1988 (Repealed)
	TABLE B License Fees - Jan. 1, 1989 - Dec. 31, 1989 (Repealed)
	TABLE C License Fees - Jan. 1, 1990 - Dec. 31, 1990 (Repealed)
APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
APPENDIX D	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX E	Primary Material Use Categories for Radioactive Material Licensees and Registrants
APPENDIX F	Fee Schedule for Radioactive Material Licensees and Registrants
AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].	
SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951, effective April 1, 1998; amended at 23 Ill. Reg. _____, effective _____.	

## Section 331.30 Definitions

The following definitions are applicable for use in this Part only. Additional definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

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"Application" means a request filed with the Department for a license, amendment, amendment to terminate a license, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation or an exemption granted by the Department pursuant to 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or modifications to a sealed source or device evaluation.

"Anniversary date" means the last day of the month for each year the license is in effect, that corresponds to the last day of the month in which the license expires.

AGENCY NOTE: For purposes of this Part, the 28th will be considered the last day of the month of February.

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), if fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the Department either to establish whether the licensee has complied with the concentrations and exposure limits or dose limits specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.



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"Custom sealed source or device evaluation" means a document issued by the Department for either a sealed source or a device containing radioactive material, built to the unique specifications for use at the site specified in the evaluation.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.

"Educational institution" means a non-profit organization which has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association of Colleges and Schools or equivalent.

"Generally licensed devices" means x-ray fluorescence analyzers, gas chromatographs and gauges containing sealed sources in quantities equal to or greater than 37 MBq (lmCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(b).

AGENCY NOTE: Although general licensees are required to register with the Department (32 Ill. Adm. Code 320.10), only general licensees possessing the types of devices with quantities of radioactive material defined above are required to pay fees as specified in this Part.

"Generally licensed kits" means radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(f) for in vitro clinical or laboratory testing.

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

"Materials license" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

"Permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months.

"Primary material use category" means the category described in Appendix E of this Part that corresponds to the category of use of radioactive material with the highest fee, either authorized by the

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license or requested by the applicant.

"Processing" means the preparation, manipulation or conversion of radioactive material.

"Remote site" means any permanent jobsite that is located in an area that is not contiguous to the primary use location.

"Sealed source or device evaluation" means a document issued by the Department, the Nuclear Regulatory Commission, an Agreement State or a Licensing State, indicating that the sealed source or device specified on the document has been evaluated for distribution.

"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. [420 ILCS 20/3]

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.110 Exemptions**

No fees as described in Sections 331.115 and 331.120 of this Part shall be required for:

- a) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.210, 330.220(a), (c), (d), (e), (g) or 330.900(a)(2) and (b)(2).
- b) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.220(b), except for generally licensed devices as defined in Section 331.30 of this Part.
- c) A license for possession and use of radioactive material issued to an agency of a state, county, or municipal government or any political subdivision thereof. This exemption does not apply to licenses for which the license fee is based on full cost, licenses which authorize distribution of radioactive material or licenses authorizing testing for leakage or contamination as a service, or instrument calibration services to any person other than an agency or political subdivision of a state, county, or municipal government.
- d) A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30 of this Part. This exemption does not apply to licenses for which the license fee is based on full cost, licenses authorizing commercial distribution of radioactive material, licenses authorizing human use of radioactive

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material, licenses authorizing veterinary use of radioactive material, or licenses authorizing remunerated testing of sealed sources for leakage or contamination or remunerated instrument calibration services to any person.

AGENCY NOTE: Commercial distribution does not include transfer of material to two or fewer licensees ~~another licensee~~ for the purposes of collaborative research and development.

AGENCY NOTE: Remunerated services refer to persons not affiliated with the licensee. For example, this does not include contractual arrangements between different departments within the same licensee.

e) An application to amend a materials license for which the license fee is not based on full cost, that would not change the primary material use category to a category with a higher fee, or add additional permanent jobsites.

f) A general license or specific license authorizing the use of source material as prefabricated shielding only for ~~in~~ devices and containers, provided, however, that all other licensed material in the device or container will be subject to the fees prescribed in Appendix F of this Part.

g) An application to change the status of a sealed source or device evaluation from "active" to "inactive". Upon request of the manufacturer or distributor, an ~~for purposes of this exemption, a sealed source or device evaluation is designated "active" if new sources or devices are being manufactured and/or distributed for use.~~ An evaluation is designated "inactive" by the Department when such sources and devices are no longer manufactured or distributed, or when the evaluation is superseded by another evaluation.

h) An application to change the company name or address listed on a sealed source or device evaluation.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.115 Radioactive Material Recovery and Remediation Fee

All specific and general licensees subject to this Part, except those in fee category 209A, shall pay an annual fee for recovery and remediation of radioactive material for a period of two years. Licensees in possession of a general license for kits, fee category 209A, shall pay the recovery and remediation fee for a period of one year. Fees are specified in Appendix F of this Part. This Department will account separately for all such fees which will be used only for the costs of recovery and remediation of radioactive material when such costs cannot be recovered in a timely manner from a responsible person or an available surety.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 331.120 Payment of Fees

Fees shall be assessed and paid as follows:

a) For categories of licenses that are shown to have an annual fee in Appendix F of this Part, fees shall be due at the time a new license application is submitted to the Department. For existing licenses, fees shall be due annually on the anniversary date. Fees shall also be assessed for applications for amendments to change the primary material use category to a primary use category with a higher fee, and amendments to increase the number of permanent jobsites. Annual license fees shall be assessed as follows:

1) Annual fees: Unless a license or amendment application is exempt under Section 331.110 of this Part, or the license fee is to be based on full costs (see Appendix F of this Part), each licensee shall remit the fees specified in Appendix F of this Part for the primary material use category authorized by the license prior to the anniversary date.

2) Annual remote site fee: For each remote site where radioactive material is stored or used under the same license, the applicant shall submit the amount specified in Appendix F of this Part for each remote site that corresponds to the highest material use category authorized by the license for each site. The licensee shall remit the remote site fee prior to the anniversary date.

3) Changing the primary material use category: An application for amendment to a materials license that would change the primary material use category to a new primary material use category with a higher fee shall be accompanied by the difference between the applicable annual fees as determined by the following formula:

$$F = H - L$$

where:

F = Total fee due.

H = Higher fee required by new primary material use category.

L = License fee for the primary material use category currently authorized by the license.

The same formula shall be used to calculate fees for each remote site authorized on the license.

4) The fees listed in Appendix F of this Part are assessed for a 12 month period beginning on the anniversary date ~~until the license is terminated.~~

5) Applications for new licenses or amendments will be assessed fees specified in Appendix F of this Part based upon the date the application is received in the Department.

6) An educational institution (as defined in Section 331.30 of this Part) that seeks or has a license authorizing possession and use



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of radioactive material for human use or veterinary use, or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use category for which a fee is due.

- b) Recovery and remediation fees listed in Appendix F of this Part shall be due annually on the anniversary date as specified in Section 331.115 of this Part for a period of two years.

- c) For categories of licenses that have fees based on full cost of review, as listed in Appendix F of this Part, fees shall be assessed for all new applications, evaluations, inspections, amendments (including amendments to terminate a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decontamination and decontamination activities at such properties. Fees based on full cost license reviews shall be paid as follows:

- 1) For license categories based on full cost review, the licensee will be billed quarterly or when the Department has incurred unpaid full cost expenses (as defined in Section 331.200(c) of this Part) in excess of the amount of the deposit, whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing.

- 2) For the first application received from a licensee after April 1, 1998, for which Appendix F of this Part specifies that the review charges are based on full costs, the applicant shall submit the deposit prescribed in Appendix F of this Part. Licensees that already have adequate deposits on file with the Department are not required to resubmit a deposit except as indicated in subsection (d) of this Section. The licensee may be billed quarterly, when the Department has incurred unpaid full cost expenses (as defined in Section 331.200(c) of this Part) in excess of the amount of the deposit, or upon completion of license amendment. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing.

- d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500.00. The applicant will be billed or issued a refund upon the completion of the review. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing.

- e) For evaluations of financial surety cost estimates submitted to the Department, fees for Department review shall be assessed based on the full cost of review time in excess of one hour. Payment is due prior to issuance or amendment of the license.

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- f) For categories of licenses not exempted in Section 331.110 of this Part, and licenses not subject to full cost reviews as described in Appendix F of this Part, full cost fees shall be assessed for Department confirmatory measurements and Department assessment of decontamination and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of the billing.

- g) ~~Registration of persons with generally-licensed kits and devices containing radioactive material.~~ Each person possessing a generally licensed kit or device defined in Section 331.20 of this Part shall be billed the amount specified in Appendix F of this Part annually. Payment is due within 60 days after the date of the billing.

- h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Department, except for custom sealed source and device evaluations, shall be billed the amount specified in Appendix F of this Part annually for each active evaluation sheet on file with the Department. Payment is due within 60 days after the date of the billing.

- i) Reciprocity fees. Each person generally licensed under 32 Ill. Adm. Code 330.900 for reciprocal recognition of an out-of-state specific license shall be billed for the applicable annual license fee for the primary material use category indicated in Appendix F of this Part. The billing period will be for the twelve consecutive months following the licensee's first use under the general license. If, at the end of the 12 month period, the licensee is not using the general license, no additional fees are due until licensed activities commence again. Application for reciprocal recognition of an out-of-state license under 32 Ill. Adm. Code 330.900(a)(1) or (b)(1) shall be accompanied by a remittance of the applicable annual license fee for the primary material use category indicated in Appendix F of this Part. However, such fee is not required if the applicant has paid to the Department a reciprocity fee for that license within 12 months prior to the date of commencement of the proposed activity and the proposed activity will not extend past 12 months from the receipt of the reciprocity fee the applicant has paid.

AGENCY NOTE: Reciprocity licensees are also subject to recovery and remediation fees specified in Section 331.115 of this Part.

- j) Fee payments. Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.125 Implementation

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- a) Effective April 1, 1998, all licensees shall be assessed recovery and remediation fees in accordance with this Part.
- b) All new license applications received in the Department beginning April 1, 1998 shall be assessed fees in accordance with this Part.
- c) Effective April 1, 1998, all licensees with license expiration dates between April 1, 1998 and March 31, 1999, shall be assessed annual fees in accordance with this Part.
- d) Effective April 1, 1999, the following licensees ~~all licensees~~ except those with license expiration dates between April 1, 1998 and March 31, 2003, that have not converted to annual fees in accordance with subsection (h) of this Section shall be assessed annual fees in accordance with this Part:
- 1) Licensees with expiration dates after April 1, 2003;
  - 2) Licensees with expiration dates between April 1, 1998 and March 31, 2000; and
  - 3) Licensees that have converted to annual fees.
- e) Effective April 1, 2000, the following licensees ~~all licensees~~ except those with license expiration dates between April 1, 1998 and March 31, 2003, that have not converted to annual fees in accordance with subsection (h) of this Section shall be assessed annual fees in accordance with this Part:
- 1) Licensees with expiration dates after April 1, 2003;
  - 2) Licensees with expiration dates between April 1, 1998 and March 31, 2001; and
  - 3) Licensees that have converted to annual fees.
- f) Effective April 1, 2001, the following licensees ~~all licensees~~ except those with license expiration dates between April 1, 1998 and March 31, 2003, that have not converted to annual fees in accordance with subsection (h) of this Section shall be assessed annual fees in accordance with this Part:
- 1) Licensees with expiration dates after April 1, 2003;
  - 2) Licensees with expiration dates between April 1, 1998 and March 31, 2002; and
  - 3) Licensees that have converted to annual fees.
- g) Effective April 1, 2002, all licensees shall be assessed annual fees in accordance with this Part.
- h) For licensees that are not yet subject to annual fees, in the event the licensee submits an application to add a remote use site or change to a different primary material use category, the Department shall require that licensee to convert to annual fees as specified in this Part. The Department shall issue a credit or refund for the full remaining years left on the license, as described in Section 331.130 of this Part, and the licensee shall pay the difference between the credited amount and any annual fees due. In the event the amount to be refunded exceeds the annual fees due, a refund shall be issued. No amendment to change the number of remote sites listed on the license or to change the primary material use category shall be approved until all fees are paid.

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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 331.200 Full Cost of Review

Initial applications, amendments and renewals for licenses designated as full cost in Appendix F B of this Part, and evaluations of new sealed sources and devices, or amendments to existing sealed source and device evaluations are assessed fees based on full cost of review. Full cost of review fees are calculated based on the following:

- a) The time required by Departmental professional staff to conduct the review, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
  - b) The time required by Departmental professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
  - c) For licensees authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the Department's cost for overseeing decontamination activities at unlicensed properties contaminated with byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
  - d) The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of such equipment.
  - e) The contractual support service costs, if any, incurred by the Department in conjunction with the review, inspections and confirmatory environmental monitoring activities.
- AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department and laboratory fees charged to the Department.
- f) The hourly rate for full cost reviews shall be:
- 1) \$110 for licensees with material use category 106A, Source Material and Byproduct Material;
  - 2) \$110 for licensees with material use category 106B, Source Material that requires a specific radioactive materials license;
  - 3) \$110 for licensees with material use category 107, Radioactive Waste;
  - 4) \$110 for licensees with material use category 109, Decontamination Facilities; and
  - 5) \$110 for evaluations of sealed sources and devices.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF NUCLEAR SAFETY  
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NOTICE OF PROPOSED AMENDMENTSection 331.APPENDIX E Primary Material Use Categories for Radioactive  
Material Licensees and Registrants

Fee  
Category

Primary Material  
Use Category Description

MANUFACTURING/DISTRIBUTION

## 201A.

**Type-A** Broad Scope Manufacturing and/or Distribution - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, nuclear pharmacy operations, or manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

## 201B.

Specific Manufacturing and/or Distribution - licenses for possession and use of greater than one curie (37 GBq) of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

## 201C.

Nuclear Pharmacy and Limited Manufacturing and/or Distribution - this category of radioactive material licenses addresses two similar types of licenses, either:

nuclear pharmacy licenses for possession, use and distribution of radiopharmaceuticals and sealed sources; or

licenses for possession and use of not more than one curie (37 GBq) of radioactive material for research and development, and processing or manufacturing of radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

## 201D.

Distribution - licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material.

IRRADIATORS

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202A.

Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

202B.

Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies (370 TBq) of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;

contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

contained in a storage pool (usually containing water), is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

202C.

Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies (370 TBq) or more of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;

contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

contained in a storage pool (usually containing water), is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use

## DEPARTMENT OF NUCLEAR SAFETY

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by an entry control system.

RESEARCH AND DEVELOPMENT

203A.

Type--A Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution.

203B.

Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

AGENCY NOTE: The Department will allow the non-commercial distribution of material to other licensees for the purpose of collaborative research and development.

PORTABLE AND FIXED GAUGES

204A.

Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material in sealed sources for use in gas chromatographs or fixed x-ray fluorescence analyzers.

204B.

Portable Gauges and Portable X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material as sealed sources for use in portable gauges or x-ray fluorescence analyzers.

204C.

Fixed Gauges - specific licenses for possession and use of radioactive material as sealed sources for use in fixed gauges.

SERVICE

205A.

Service - licenses that authorize services for other persons, including, but not limited to, testing of sealed sources for leakage or contamination, instrument calibration and sample analysis, but not including waste disposal transportation or radioactive waste broker services.

205B.

Nuclear Laundries - licenses for commercial collection and laundering of items contaminated with radioactive material.

205C.

Decontamination Facilities - licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items.

WIRELINE (Well-Logging)



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206. Wireline Service Operations (as defined in 32 Ill. Adm. Code 351) - licenses specifically authorizing use of radioactive material for wireline services, well surveys and tracer studies.

INDUSTRIAL RADIOGRAPHY

207. Industrial Radiography (as defined in 32 Ill. Adm. Code 350) - licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites.

MEDICAL/VETERINARY

- 208A. Type--A Broad Scope Medical/Veterinary Use - Broad Type-A-broad scope licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses may include research and development, or use of radioactive material in sealed sources contained in teletherapy or high dose rate remote afterloader devices.

- 208B. Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.

AGENCY NOTE: Possession of a teletherapy unit that is out of service and in storage only does not mean the primary radioactive material use category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212A.

- 208C. Medical/Veterinary Use - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material.

- 208D. Diagnostic Use Only - licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis; and in vitro kits, except as specified in 32 Ill. Adm. Code 330.220(f).

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- 208E. Limited Medical/Veterinary Use - licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies.

- 208F. Mobile Nuclear Medicine - licenses authorizing the use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.

REGISTRANTS (GENERAL LICENSES)

- 209A. General Licenses for Kits - radioactive material (as specified in 32 Ill. Adm. Code 330.220(f)) for certain in vitro clinical or laboratory testing.

- 209B. Facilities with Generally Licensed Devices - facilities registered with the Department to possess or use radioactive material (as specified in 32 Ill. Adm. Code 330.220(b)), except for material contained in devices designed and manufactured for the purpose of producing light, and material in the form of sealed sources used in devices with a maximum activity less than or equal to 37 MBq (1 mCi).

SOURCE MATERIAL

- 210A. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) - licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.

- 210B. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) - licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, nor does it include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

WASTE DISPOSAL AND TREATMENT FACILITIES

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211A. Low-Level Radioactive. Waste Disposal Facilities - licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation.

211B. Low-Level Radioactive Waste Treatment Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

211C. Centralized Low-Level Radioactive Waste Storage Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

211D. Other Low-Level Radioactive Waste - licenses authorizing other methodologies for disposal of low-level radioactive waste.

OTHER

212A. Storage Only - licenses authorizing storage only of radioactive material for eventual disposal, and does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.

212B. Possession Incident to Exempt Distribution - licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.

AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of such material at facilities in Illinois, therefore, a separate license must be obtained from the Department for possession of such material.

212C. Other - all other specific radioactive material licenses not specified elsewhere in this Appendix.

212D. Reciprocity for Exhibition and Demonstration Only - licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.

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212E.

Sealed Source and Device Evaluation Maintenance Fee - a fee per active evaluation sheet maintained by the Department, excluding custom sealed source and device evaluation sheets.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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Section 31. APPENDIX F Fee Schedule for Radioactive Material Licensees and Registrants

Primary Category	Description	Annual Fee	Recovery and Remediation Fee	Remote Site Fee
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MANUFACTURING/DISTRIBUTION

201A.	Type-A Broad Scope Manufacturing and/or Distribution	\$6,413	\$300	\$2,772
201B.	Specific Manufacturing and/or Distribution	\$4,627	\$300	\$2,112
201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution	\$2,178	\$300	\$ 990
201D.	Distribution	\$1,025	\$300	\$ 283

IRRADIATORS

202A.	Category I Irradiator	\$ 626	\$300	\$ 145
202B.	Category II, III, or IV Irradiator (less than 10,000 curies (370 TBq))	\$2,565	\$300	\$1,500
202C.	Category II, III or IV Irradiator (10,000 curies (370 TBq) or more)	\$4,306	\$300	\$3,800

RESEARCH AND DEVELOPMENT

203A.	Type-A Broad Scope Research and Development	\$3,939	\$300	\$1,980
203B.	Other Research and Development	\$1,613	\$300	\$ 707

PORTABLE AND FIXED GAUGES

204A.	Gas Chromatographs and Fixed X-Ray	\$ 488	\$300	\$ 161
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Primary Category	Description	Annual Fee	Recovery and Remediation Fee	Remote Site Fee
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204B.	Portable Gauges and Portable X-Ray Fluorescence Analyzers	\$ 523	\$300	\$ 198
204C.	Fixed Gauges	\$ 657	\$300	\$ 198

SERVICE

205A.	Service	\$1,287	\$300	\$ 309
205B.	Nuclear Laundries	\$3,948	\$300	\$1,386
205C.	Decontamination Facilities (One-Time Deposit of \$10,000)	Full Cost	\$300	N/A

WIRELINE (Well Logging)

206.	Wireline Service Operations	\$1,148	\$300	\$ 495
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INDUSTRIAL RADIOGRAPHY

207.	Industrial Radiography	\$2,733	\$300	\$1,320
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MEDICAL/VETERINARY

208A.	Type-A Broad Scope Medical/Veterinary Use	\$5,529	\$300	\$2,772
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208B.	Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader	\$2,035	\$300	\$ 924
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208C.	Medical/Veterinary Use	\$1,189	\$300	\$ 528
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208D.	Diagnostic Use Only	\$ 789	\$300	\$ 339
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208E. Limited Medical/  
Veterinary Use \$ 728 \$300 \$ 308

208F. Mobile Nuclear  
Medicine \$1485 \$300 \$ 594

REGISTRANT GENERAL LICENSES

209A. General Licenses  
for Kits \$ 100 \$300 N/A

209B. Facilities with  
Generally Licensed  
Devices \$ 350 \$300 N/A

SOURCE MATERIAL

210A. Possession and Use  
of Source Material  
and Byproduct Material  
(One-time Deposit of  
\$25,000) Full Cost \$300 N/A

210B. Possession and Use  
of Source Material  
(One-time Deposit of  
\$25,000) Full Cost \$300 N/A

WASTE DISPOSAL AND TREATMENT FACILITIES

211A. Low-Level Radio-  
active Waste Disposal  
Facilities (One-time  
Deposit of \$25,000) Full Cost \$300 N/A

211B. Low-Level Radio-  
active Waste Treatment  
Facilities (One-time  
Deposit of \$25,000) Full Cost \$300 N/A

211C. Centralized Low-Level  
Radioactive Waste  
Storage Facilities  
(One-time Deposit of  
\$25,000) Full Cost \$300 N/A

211D. Other Low-Level  
Radioactive Waste Full Cost \$300 N/A

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(One-time Deposit of  
\$25,000)

OTHER

212A. Storage Only \$ 475 \$300 \$ 176

212B. Possession Incident  
to Exempt Distribution \$ 723 \$300 \$ 264

212C. Other (uses not  
specified elsewhere  
in this schedule) \$ 613 \$300 \$ 220

212D. Reciprocity for  
Exhibition and  
Demonstration Only \$ 150 N/A N/A

212E. Sealed Source and  
Device Evaluation  
Maintenance Fee \$ 200 N/A N/A

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Swimming Pool and Bathing Beach Code2) Code Citation: 77 Ill. Adm. Code 8203) Section Numbers: Proposed Action:

820.10	Amendment
820.20	Amendment
820.100	Amendment
820.110	Amendment
820.120	Amendment
820.130	Amendment
820.140	New Section
820.150	New Section
820.200	Amendment
820.210	Amendment
820.220	Amendment
820.230	Amendment
820.240	Amendment
820.250	Amendment
820.260	Repealed
820.270	New Section
820.290	New Section
820.300	Amendment
820.310	Amendment
820.315	New Section
820.320	Amendment
820.330	Amendment
820.340	Amendment
820.350	Amendment
820.360	Amendment
820.370	Amendment
820.380	Amendment
820.390	Amendment
820.400	Amendment

Appendix A:

Illustration A  
 Illustration B  
 Illustration C  
 Illustration D  
 Illustration E  
 Illustration F  
 Illustration J  
 Illustration M  
 Illustration N

Appendix B:

Table B  
 Table C  
 Table D

## DEPARTMENT OF PUBLIC HEALTH

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## Table E Amendment

4) Statutory Authority: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].5) A Complete Description of the Subjects and Issues Involved: The existing rules establish standards for the design and operation of swimming pools and bathing beaches and appurtenances. The proposed amendments are intended to address specific public health or safety concerns, changes in design practices for aquatic recreation facilities, and clarification of intent as follows:

- 1) A permit would be required for alterations to existing facilities (currently required for construction of new facilities only).
- 2) Plans for construction or alteration of structures, including the structure of a pool, submitted as part of a permit application would have to be sealed by an architect or structural engineer. Plans for mechanical or electrical systems would have to be sealed by a licensed professional engineer.
- 3) Swimming pool facilities constructed prior to the effective date of the proposed amendments would be exempt from the proposed design standards. However, alterations to existing facilities would be required to comply with the amended design standards.
- 4) Criteria are added to specify how the Department will approve variances.
- 5) Standards for seats installed in swimming pools are added.
- 6) "No Diving" signs or markers would be required to be installed around swimming pools in which the water depth is less than 5 feet.
- 7) The proposal would change the required minimum width of a deck around an outdoor swimming pool from 8 feet to 4 feet, and would require a minimum 42 inch unobstructed walkway width around swimming pools. Features such as spas, deck furniture or planters would not be allowed within 4 feet of swimming pools.
- 8) The minimum slope of a pool deck for drainage would be reduced from 2 inches per 10 feet to 1 inch per 10 feet.
- 9) Standards for ramps provided for access into swimming pools would be added.
- 10) Plunge areas for diving boards and slides at swimming pools would be defined. Overlap of plunge areas would be prohibited.

## DEPARTMENT OF PUBLIC HEALTH

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- 11) Standards for competition starting platforms would be added.
- 12) Standards for the design of water treatment system serving "lazy rivers" would be added.
- 13) An increased circulation flow rate would be required in swimming pools in areas where the water depth is less than 30 inches.
- 14) Unapproved types of water treatment devices for swimming pools would be prohibited.
- 15) An air gap discharge would no longer be required for swimming pool subsurface drain pipes discharging into a storm sewer.
- 16) Pipes for swimming pool deck drains discharging to a sanitary sewer would be required to discharge through an air gap.
- 17) Inlet fittings for filtered water would be required to be installed in pool floors in areas where the water depth is less than 30 inches and the pool width is greater than 30 feet. Separate piping to supply floor and wall inlet fittings would be required.
- 18) Requirements for suction fittings would be amended to prevent bather entrapment.
- 19) Criteria for surge weirs would be added.
- 20) Testing of swimming pool equipment by certification organizations other than the National Sanitation Foundation International (NSF) would be accepted.
- 21) Criteria for equipment for applying bromine to swimming pool water would be revised to require that equipment be certified as meeting NSF Standard 50 and to specify minimum capacity requirements.
- 22) Criteria for ozonators would be revised to reflect updated technology.
- 23) A requirement would be added for interruption of chemical feeding into pool water when the circulation flow is interrupted.
- 24) The requirement for separate dry and wet toilet facilities in a bathhouse would be removed.
- 25) Installation of new footbaths would be prohibited.
- 26) For spray pools, use of recirculated water, with treatment as required for swimming pools, would be permitted.

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- 27) Criteria for "drop slides" would be added.
- 28) Water slide plans would be required to be sealed by a licensed structural engineer.
- 29) Use of a pool by one patron would no longer be prohibited.
- 30) The minimum age for a person to use a pool without supervision would be lowered from 17 years of age to 16.
- 31) The requirements for rescue equipment would be changed to allow equipment that is currently used by lifeguards.
- 32) The maximum distances between a swimming pool enclosure and an emergency telephone would be reduced from 500 feet to 100 feet.
- 33) The acceptable range for disinfectant residual would be changed.
- 34) The conditions when pool closing would be required would be revised.
- 35) Personal regulations for swimming pools and beaches would be revised.
- 36) Procedures for disinfecting a pool following a fecal accident or similar incident would be added.
- 37) Children who are not toilet-trained would be required to wear tightly-fitting rubber or plastic pants while in a pool.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.
- 11) Time, Place, and Manner in which Interested Persons May comment on this rulemaking: Interested persons may present their comments concerning these rules by cc within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito  
 Division of Legal Services  
 Illinois Department of Public Health  
 535 West Jefferson, Fifth Floor



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Springfield, Illinois 62761  
(217)782-2043  
(e-mail: rules@idph.il.state.us)

In addition, two public hearings will be held for the purpose of gathering comments on the proposed amendments.

Dates, Times and Locations of Public Hearings:

February 11, 1999	February 19, 1999
11:00 a.m.	10:00 a.m.
James R. Thompson Center	Illinois Department of Public Health
8th Floor, Room 031	4th Floor Conference Room
100 W. Randolph	525 W. Jefferson
Chicago, Illinois 60601	Springfield, Illinois 62761

Persons interested in presenting testimony at the hearings are advised that the Department will adhere to the following procedures in the conduct of the hearings:

1. Each person presenting oral testimony shall provide to the hearing officer a written copy of such testimony at the time the oral testimony is presented.
2. The hearing officer may impose a time limit for testimony if necessary to allow each person who wishes to speak time to do so. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
3. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of the call of witnesses, as he/she deems necessary.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Swimming pool owners and operators.
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
None
- C) Types of Professional Skills Necessary for Compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998
- The full text of the Proposed Amendments begin on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820  
ILLINOIS  
SWIMMING POOL AND BATHING BEACH CODE

SUBPART A: GENERAL

Section	
820.10	Definitions
820.20	Incorporated Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section	
820.100	Permits
820.110	Water Supplies
820.120	Wastewater Sewage Disposal
820.130	Food Service Sanitation
820.140	Exemptions
820.150	Variances

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

Section	
820.200	General Design Requirements
820.210	Swimming Pool Water Treatment System
820.220	Swimming Pool Bathing Preparation Facilities
820.230	Wading Pools
820.240	Spray Pools
820.250	Water Slides
820.260	New Equipment, Construction and Materials (Repealed)
820.270	Lazy Rivers

SUBPART D: SWIMMING-POOLS OPERATIONAL REQUIREMENTS

Section	
820.290	Applicability of Operation Requirements
820.300	Personnel
820.310	Safety Equipment
820.315	Notification
820.320	Water Quality
820.330	Swimming Pool Closing
820.340	Operation and Maintenance
820.350	Operation Reports and Routine Sampling
820.360	Patron Personnel Regulations

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820.370 Swimming Suits and Towels Furnished by Management  
 820.380 Wading Pools and Spray Pools  
 820.390 Refuse Disposal

## SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section  
 820.400 Minimum Sanitary Requirements for Bathing Beaches  
 820.500 Minimum Sanitary Requirements for Bathing Beaches (Renumbered)

APPENDIX A Illustrations  
 ILLUSTRATION A Slope of Pool Floor Bottom  
 ILLUSTRATION B Pool Walls  
 ILLUSTRATION C General Pool Diving Area Dimensions  
 ILLUSTRATION D Pools with Diving Facilities in Excess of Three Meters in Height  
 ILLUSTRATION E Slide Dimensions (Repealed)  
 ILLUSTRATION F Slide Position (Repealed)  
 ILLUSTRATION G Flow Meter Installation  
 ILLUSTRATION H Skimmer Construction  
 ILLUSTRATION I Installation of a Pressure Sand Filter System  
 ILLUSTRATION J Installation of a Pressure Diatomaceous Earth Filter System  
 ILLUSTRATION K Installation of a Vacuum Filter System  
 ILLUSTRATION L Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure  
 ILLUSTRATION M Chlorine Injection into Return Line to Pool Using External Water Source Pressure  
 ILLUSTRATION N Chlorine Injection into Return Line to Pool Using Booster Pump

APPENDIX B Tables  
 TABLE A Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height  
 TABLE B First Aid Kit Contents  
 TABLE C Flows Carried by Inlets  
 TABLE D Sizing Swimming Pool Chlorinators  
 TABLE E Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective May 25, 1996; emergency amendment at 21 Ill. Reg. 7536, effective May 28, 1997, for a maximum of 150 days;

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amended at 22 Ill. Reg. 9357, effective May 15, 1998; amended at 23 Ill. Reg. , effective .

## SUBPART A: GENERAL

## Section 820.10 Definitions

In addition to the definitions in the Illinois Swimming Pool and Bathing Beach Act, the following additional definitions shall apply:

"Act" means the Swimming Pool and Bathing Beach Act [210 ILCS 125].

"Appurtenance" means an accessory facility or feature at a swimming pool or bathing beach, such as a diving board, slide, wading pool, plunge pool, spray pool, or bathhouse.

"Approval" means compliance with the Act and this Part.

"Approved Certification Agency" means an organization that has been accredited by ANSI and found to meet the requirements specified in ANSI Z 34.1, Third Party Certification Program to evaluate swimming pool equipment for compliance with NSF Standard 50.

"Attendant" means a person at least 16 years of age, stationed at the top of a water slide and responsible for ensuring safe use of the slide.

"Bather Load" means the maximum number of persons that may be allowed in which--may--use the pool area at one time without creating undue health or safety hazards. (See Section 820.200(b).)-

"Bathing Beach" means a Public Bathing Beach as defined in the Act.

"Community Water System" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

"Construction" means the process of building or fabricating a swimming pool, bathing beach or appurtenance.

"Construction in a Flood Plain" means the placement or erection of structures or earthworks; land filling, excavation or non-agricultural alteration of the ground surface; installation of public utilities; channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.

"Deep Area" means an area of swimming pool in which the water depth



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exceeds five feet.

"Development" means improvement of a site for the purpose of establishing a bathing beach, the addition of an appurtenance to an existing swimming pool or bathing beach, modifying the shape, water surface area or depth of a swimming pool, or changing the design of the water recirculation or water treatment system of a swimming pool. It does not include repairs to existing facilities that do not alter the design of the facility.

"Diving Pool" means a pool designed and intended for use exclusively for diving by divers.

"Drop Slide" means a slide with an exit angle exceeding 11 degrees measure downward from the horizontal.

"Office of Water Resources" means the Illinois Department of Natural Resources, Office of Water Resources, 3215 Executive Park Drive, Springfield, Illinois 62703.

"Flume" means the an inclined channel of a which conveys the water and the slide participant from the top of the slide to the plunge pool.

"Homeowner's Association" is a not-for-profit corporation comprised of members who have common ownership interest in property owned or operated by the association for the benefit of all the members.

"Infant" means a minor who is not toilet-trained.

"Inlet" means an opening or fitting through which filtered water enters the pool.

"Installation" means the emplacement of a swimming pool manufactured and transported to the intended site.

"Lazy River" means a pool with an induced current intended to carry patrons on flotation devices.

"Main Drain" means the outlet or outlets in the floor of the pool.

"Make-up Water" means the water added to a pool to replace that which is lost.

"Manager/Operator" means the person or entity responsible for the actual daily operation, or for the supervision of the operation, of a swimming pool or bathing beach.

"Office of Water Resources" means the Illinois Department of Natural

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Resources, Office of Water Resources, 3215 Executive Park Drive, Springfield, IL 62703.

"National Electrical Code" means a code for the practical safe guarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power or radio signaling, prepared by the National Fire Protection Association (NFPA) 700, Batterymarch Street, Boston, Mass. 02110. (1984 Edition)

"National Sanitation Foundation (NSF)" means a non-profit non-commercial organization which wholly owns the National Sanitation Foundation Testing Laboratory, 3355 West Stadium Boulevard, P.O. Box 14687, Ann Arbor, Michigan 48106.

"Non-Community Water System" means a public water system that is not a community water system that has at least 15 service connections used by non-residents or regularly serves 25 or more non-resident individuals daily for at least 60 days a year.

"Perimeter Overflow System" means a channel at the normal water level normally extending completely around the pool used to skim the surface layer of water surface. Also known as an overflow gutter.

"Permit" means a certificate issued by the Department allowing the construction, development or installation of a new public swimming pool or public bathing beach under the provisions of the Act.

"Plumbing" shall have the meaning set forth in the Illinois State Plumbing Code (77 Ill. Adm. Code 890).

"Plunge Area" means a location in a pool or bathing beach at the exit of a slide, or the area in a pool below and in front of a diving board or platform.

"Plunge Pool" means a pool used exclusively as a plunge area for one or more slides, or artificial body of water into which a person exits from a waterside.

"Pool" means a swimming pool or a wading pool, plunge pool or other recreational water basin utilized in conjunction with or as an appurtenance to a swimming pool. The term does not refer to spas and therapy pools not designed or intended for swimming or to basins for individual use that are drained after each use.

"Pool Depth" means the vertical distance between the pool floor and the water level perimeter overflow system, top or midpoint on the skimmer-throat weir level.

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"Project Designer" means a licensed design professional primarily responsible for the design of the construction, development or installation of a swimming pool or bathing beach.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

"Recirculation Piping" means the piping from the pool to the filters and back to the pool, through which the pool water circulates.

"Sewage" means any liquid waste containing animal or vegetable matter in suspension solution, and includes liquids containing chemicals in solution.

"Shallow Area Pool" means an area in a swimming pool a pool, other than a wading pool or spray pool as defined in these regulations in which the water depth does not exceed five feet at any point.

"Skimmer" means a mechanical device connected to the recirculation piping which is used to skim the pool surface.

"Slide" means a recreational feature, including a water slide or drop slide, with a smooth, inclined flume or channel by which a rider is conveyed downward to a plunge area.

"Slip Resistant" means not conducive to slipping under contact with bare feet when wet.

"Special Flood Hazard Area" means an area having special flood hazards and shown as such on a Regulatory Flood Plain Map (published and available from the Office of Water Resources) or Flood Insurance Rate Map or Flood Hazard Boundary Map published by the Federal Insurance Administration of the Federal Emergency Management Agency.

"Spray Pool" means an artificially constructed area over which water is sprayed but is not allowed to pool.

"State Flood Plain Regulations" means the rules set forth for the Regulation of Construction within Flood Plains (92 Ill. Adm. Code 7667), issued by the Office of Water Resources.

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"Surge Weir" means an opening into a perimeter overflow system channel that allows skimming of the pool water surface when the surface is below the level of the overflow lip of the perimeter overflow system.

"Swimming Pool Manager/Operator" means the person responsible for the actual daily operation or for the supervision of the operation of a swimming pool.

"Transition Point" means a location in a shallow area of a swimming pool where an area, having a floor slope of no more than one foot vertical in 12 feet horizontal, adjoins an area where the floor slope exceeds one in 12. The point of the floor of the pool where an abrupt change in slope occurs between the shallow and deep areas of the pool.

"Turnover Period" means the time required to recirculate a volume of water equivalent to the water volume of the pool through the filtration system.

"Therapy Pool" means a pool intended only for medical treatment or muscle relaxation and not intended for swimming or instruction in swimming.

"Wading Area" means a portion of a pool, other than an area of limited extent such as a stair, seat or ramp, where the water depth does not exceed 30 inches; or the portion of a bathing beach where the water depth is less than five feet, or that portion thereof designated by the installation of a buoyed line to separate this area from deeper water.

"Wading Pool" means a pool having a maximum water depth not exceeding intended only for small children; it is not used for swimming nor instruction in swimming. The maximum depth is less than 30 inches.

"Water Level" means the level of the overflow lip of a perimeter overflow system or the mid-level of surge weirs, if present, or the mid-level of the skimmer operating range.

"Water Slide" means a slide with a flow of water and having a flume exceeding 30 feet in length which consists of one or more flumes, a plunge pool, a pump reservoir and water treatment facilities, where water is pumped to the top of the slide and allowed to flow down the flume to the plunge pool.

"Wave Pool" means a swimming pool designed for the purpose of producing wave action in the water.

"Zero-depth Edge" means that portion of the perimeter of a zero-depth pool where the pool floor intersects the pool water surface.



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"zero-Depth Pool" means a swimming pool where the pool floor intersects the water surface along a portion of its perimeter.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.20 Incorporated Materials

The following materials are incorporated or referenced in this Part and are available for inspection at the Department's Springfield office:

- a) Statutes
  - 1) Swimming Pool and Bathing Beach Act [210 ILCS 125/1-125-28] (111-Rev-Stat-1985, ch-111-1/27-pars.-1301-et-seq-7)-(See-Section-020-10)
- b) Regulations
  - 1) Illinois Plumbing Code (77 Ill. Adm. Code 890) (See Sections 820.200(f), 820.210(c)(1), 820-10 and 820.210(f)(1)(A).7
  - 2) Regulation of Construction Within Flood Plains (92 Ill. Adm. Code 706) (See Sections 820.10 and 820.100 (b)(3)(A).7
  - 3) Drinking Water Systems Code (77 Ill. Adm. Code 900) (See Section 820.110(a).7
  - 4) Private Sewage Disposal Code (77 Ill. Adm. Code 905) (See Section 820.120).7
  - 5) Food Service Sanitation Code (77 Ill. Adm. Code 750) (See Section 820.130).7
  - 6) Public Water Supplies (35 Ill. Adm. Code: Subtitle F, Chapters I and II). (See Section 820.110(a).7)
- c) Other Materials
  - 1) National Electric Code (1999 1984 Edition)
  - National Fire Protection Association
  - Batterymarch Park, Quincy, MA 02269
  - 60-Batterymarch-St.-Boston-MA-02119
  - 2) NSF International National Sanitation Foundation
  - NSF (N-S-F) Standard 50 (July 1996 1985)
  - N-S-F-Testing-Laboratory
  - 3475 Plymouth Road 2355-West-Stadium-Boulevard
  - P.O. Box 13014 1468
  - Ann Arbor, Michigan 48113-0140 48106
  - 3) ANSI Z 34.1, Third Party Certification Program
  - American National Standards Institute
  - 11 West 42nd Street
  - New York, NY 10036

- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART B: SWIMMING POOLS AND BATHING BEACHES

## Section 820.100 Permits

- a) Construction Permit. A construction permit must be obtained prior to beginning any construction, development or installation of a swimming pool or bathing beach.
- b) Procedure to Obtain a Construction Permit.
  - 1) The owner or his representative must submit to the Department a completed application for a construction permit for each swimming pool or bathing beach to be constructed. The application forms are available from and provided by the Department of Public Health.
  - 2) One set of detailed construction plans and specifications each bearing the seal and signature of an engineer or architect, licensed registered to practice in Illinois, shall be submitted for initial review. However, three sets of such drawings shall be submitted prior to the issuance of a construction permit. Plans for structures, including those for the structure of a pool, shall be sealed by a licensed architect or structural engineer. Plans for mechanical or electrical systems, including the water treatment system for a pool, shall be sealed by a licensed professional engineer. These plans and specifications shall comply with the following requirements:
    - A) All plans and specifications shall be clear, consistent and legible and include, at a minimum the name of the project owner or facility responsible for the operation of the pool, location of the swimming pool or bathing beach, the scale in feet, the north point and date. The facility responsible for the operation of the pool is that organization or facility which employs the swimming pool manager operator and which is directly responsible for the operation of the pool.
    - B) To allow a plan review, the plans shall be clear and legible. They shall be drawn to a scale which will permit all necessary information to be plainly shown. A location plan showing the exact location of the project must be included.
    - B) Detailed plans shall consist of plan view, elevations, sections and supplementary views and specifications. Dimensions and relative elevations of structures and equipment, location and size of piping, water levels, ground elevations, and pump curve(s) shall be included. The plans and specifications shall indicate compliance with all applicable requirements.

- C) No change in location or construction of the project shall be made from plans and specifications that have been approved without first submitting details of the proposed

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changes to the Department and receiving subsequent approval therefor.

- 3) Construction Requirements in Flood Plains
  - A) Scope. All construction, development or installation of swimming-pools-or-bathing-beaches-in-flood-plains-under-the jurisdiction-of-the-Illinois-Department-of-Public-Health shall be built in accordance with the flood damage prevention standards of the Flood Plain Regulations of the Illinois Department of Natural Resources-~~Division-of-Water Resources~~ (92 Ill. Adm. Code 706).
  - B) Verification of Compliance. When construction, development or installation is activities-are proposed in a flood plain, the applicant shall determine contact-the-Division-of-Water Resources-to-discern if the site is in a Special Flood Hazard Area. The Determination-of-Special-Flood-Hazard-Area locations-shall-be-made-by-utilizing-the "Special Flood Hazard Area Location Request Form," which is available from the Illinois Department, shall be completed and submitted to the Department of-Public-Health. If the site is located in such an area Area, plans for the project shall be forwarded to the Illinois Department of Natural Division--of-Water Resources. No project to be located in a Special Flood Hazard Area shall be approved without written approval a statement from the Illinois Department of Natural Division of Water Resources, Chief-Flood-Plain-Management-Engineer that-it-complies-with-the-requirements-of-Executive-Order No--IV-t19797.

- c) Revised Plans and Specifications. If Department review of the submitted documentation by-the-Department identifies the need for correction to the plans and/or specifications, corrected copies shall be submitted. If the revised documentation is satisfactory pursuant to this Section, a construction permit shall be issued to the applicant.

- d) Procedure After the Issuance of a Construction Permit. The-Department must-be-notified-of-any-modifications-and/or-additions-to-existing pools. The facility owner or permit applicant shall notify the appropriate Department department regional office or authorized agent, as specified with the issuance of the permit, when construction, development or installation of the project has been initiated and again when construction, development or installation has been completed started.

An owner of a new swimming pool facility, or a facility that has undergone extensive modification or replacement of the pool structure, shall not operate, or allow to be operated, the swimming pool until a license for such operation has been issued by the Department. In order to apply for a license, an original license application form shall be completed and submitted to the Department with the appropriate fee. The license applicant shall contact the appropriate

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regional office to make arrangements for an inspection of the facility after making application and ensuring that the facility is in an operating condition and in compliance with this Part. A current license for a pool that is to undergo extensive modification of the pool structure shall expire when the modification is initiated. No currently licensed facility that has undergone development, or for which development is planned, shall be operated during or following such development until authorization of operation has been issued by the Department.

The owner, manager or other responsible party must keep a set of plans and specifications bearing the approval stamp of the Department at the pool or beach after the project has been completed.

- e) Alterations, Modifications-and-Additions-to or Repairs of Existing Facilities. The-Department-must-be-notified-of-any-modifications-and/or-additions-to-existing-pools--A-permit-is-not-required-for modifications-and/or-additions-to Repairs or remodeling of existing pools,--however, such modifications-or-additions must be in compliance with design requirements in this Part. Alterations that meet the definition of development as defined in Section 820.10 of this Part shall require a construction permit.

- f) Preliminary Concept Approval. The Department will review innovative design concepts and other design features that are not in strict compliance with this Part in advance of submission of plans and specifications to assure that the proposed concept or design will meet the intent of this Part. Preliminary concept reviews may be conducted at the request of the project designer so that the innovative design(s) can be explained. Water-Slide-Plan-Approval--Where-a-water slide-is-to-be-constructed-at-an-existing-swimming-pool--plans-and specifications--must-be-reviewed-and-approved-to-be-in-compliance-with this-Part-by-the-Department-prior-to-construction--(See-Section 820-250)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.110 Water Supplies

- a) The water supply for drinking, showers, bathing, and culinary purposes and for all plumbing fixtures at swimming-pools-and-bathing-beaches, as well-as-the-supply-serving the swimming pool proper-and-any distribution-system-for-such-water-supply, shall be obtained from one of-the-following:--1)-A community public water system constructed, operated-and-sampled in compliance accordance with the Rules for Public Water Supplies rules-for-public-water-supplies (35 Ill. Adm. Code: Subtitle F, Chapters I and II)--2)-a non-community public-water system-constructed-operated-and-sampled in compliance accordance with the Department's rules-for Drinking Water Systems Code (77 Ill. Adm. Code 900).



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- b) A water source may be used to fill the swimming pool or to provide make-up water. The source of water used shall be designed and constructed in such a manner as to meet the water quality standards of the Department's Drinking Water Systems Rules (77 Ill. Adm. Code 900). b)c) The swimming pool water supply used for filling a swimming pool supplies shall be capable of providing enough water to raise the water level in the pool at least one inch in three hours.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.120 Wastewater Sewage Disposal

- a) General: Sewage (wastewater) generated from the operation of a swimming pool or bathing beach shall discharge to a public sanitary sewer. Where a public sewer is not available, such sewage shall be discharged or to a system which complies with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 910).

b)a) Deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, seepage pits, or to the ground surface without additional treatment. Such drainage shall not result in nuisance conditions that which create an offensive odor, or which produce a stagnant wet area, or create which produce an environment for the breeding of insects.

c)b) Wash or backwash water from sand filters shall may be discharged to natural drainage areas, sanitary sewers, storm sewers, seepage pits, or to the ground surface in a manner that does not result in a nuisance condition.

d)c) Diatomaceous earth filter wash or backwash water shall may be discharged as described in subsection (c) for discharge of backwash water from sand filters to one of the above after treatment consisting of one of the following: i) passing passing the wash or backwash water through a separation tank designed for removal of the diatomaceous earth and suspended solids.

- 2) Settling the wash or backwash water in a tank which is capable of holding the volume of one backwash. One backwash is defined as the amount of water generated from the backwash of the filters for a period of two minutes for diatomaceous earth filters. At the required backwash flow rate, the tank shall be dewatered after settling and prior to subsequent backwashes. Settled sludge shall be periodically removed to prevent flushing of solids during backwashing.

d) Seepage pits. Where seepage pits or other disposal systems are used for the final disposal of swimming pool wash or backwash water, they shall be designed on the basis of the anticipated flow and the percolation rate as determined by the procedure outlined in the Department's Private Sewage Disposal Code. Seepage pit construction shall comply with the requirements of the Department's Private Sewage

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## Disposal Code

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.130 Food Service Sanitation

All food service establishments operated in conjunction with swimming pools or bathing beaches shall be constructed and operated in accordance with the Department's Rules for Food Service Sanitation Code (77 Ill. Adm. Code 750). This applies to all food service establishments, whether permanent, temporary or mobile.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.140 Exemptions

- a) Design standards contained in Sections 820.200 to 820.250 shall not apply to a licensed swimming pool existing on or before the effective date of this Part, except when, in the interest of public health or safety, remedial action to correct a condition not in compliance with the design standard is ordered by the Department or authorized agent. However, in accordance with Section 820.100(e) of this Part, development, repairs, remodeling or alterations of existing facilities shall comply with the design standards of this Part.

b) Exempt facilities may be subject to operational procedures in addition to or in place of those specified in Section 820.340, as specified by the Department, in lieu of compliance with the design standards of this Part.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.150 Variances

- a) The Department may approve variances to this Part when the variance will provide appropriate protection of public health and safety. A request for a variance may be submitted to the Department only by a facility owner or licensee, by a project designer, or by a permit applicant. A variance request must state the specific code requirement(s) for which a variance is sought and a complete description of the condition that does not or would not comply with this Part, the reason for the request, and an explanation of the manner in which the design will provide protection of public health and safety substantially equivalent to that provided by compliance with this Part. Where necessary, or when requested by the Department, plans and/or specifications showing an existing condition

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or proposed construction or development shall be submitted.

- b) The Department will notify the applicant in writing of its decision whether to approve the variance. The Department will give consideration to difficulties in complying with this Part and innovative designs.
- c) When granting a variance request, the Department may attach conditions that the permit applicant, facility owner or licensee, as applicable, must comply with as a condition of the variance. Failure to comply with such conditions shall constitute a violation of this Part.
- d) If, at any time, the Department finds that a variance has resulted in a compromise of public health or safety, or if the licensee or permit applicant has failed to comply with conditions attached to the variance, the Department shall revoke the variance. The licensee or permit applicant shall then take such action as is required to comply with this Part.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

## Section 820.200 General Design Requirements

Swimming pools and appurtenances, including other pools associated with or provided as appurtenances to swimming pools, shall comply with this Subpart.

- a) Enclosures
- 1) The swimming pool area shall be completely enclosed by a protective wall, fence or other barrier. The entire barrier, including doors and gates, shall be at least four feet high, measured on the inside and outside, and shall not provide a ready footing for climbing, and shall prevent passage through it. The height of an opening under the bottom of the barrier shall not exceed four inches. The openings in any barrier shall not exceed four inches in width and height.
  - 2) Each entrance into the pool enclosure area shall be equipped with a door or gate that is self-closing and self-latching. This requirement is not necessary when people enter the pool area through the bathhouse and lifeguards are provided in the pool area. Doors and gates at all entrances to the pool enclosure must be equipped with hardware that permits secure locking of the entrance.
  - 3) Spectator areas, concession areas, and patio areas shall be completely separated from areas used by bathers by a barrier at least 3 1/2 feet in height as described in Section 820.200 (a)(4). A balcony shall not overhang or extend within 10 feet horizontally of any portion of the swimming pool water surface of a swimming pool.
  - 4) Sand areas shall not be allowed inside of the pool enclosure

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unless a barrier is provided to control access to the pool. If access is allowed to such areas, an arrangement must be provided which requires bathers passing from the sand area to the pool area to pass through a shower facility with heated or tempered water for removal of sand.

- b) Bather Load. The Department will compute a permissible bather load for each existing swimming pool which must be adhered to during operation of the swimming pool. All swimming pools will have a bather load shall be specified with the issuance of a the construction permit for a new swimming pool. In the case of multiple swimming pools contained within a common enclosure, the Department may compute a combined bather load for the pool enclosure. The criteria to be used for computing the bather load are as follows:
- 1) Those portions of the swimming pool less than five feet in depth shall be designated the "Shallow Area." Those portions of the swimming pool five feet in depth or over shall be designated the "Deep Area." 2) Shallow Area. --- Fifteen square feet of pool water surface shall be required for each bather.
  - 2) 3) Deep Area. 25 square feet of water surface shall be required for each bather, with 300 square feet deducted for each diving board or platform. Three hundred square feet of pool water surface area shall be reserved around each diving board or diving platform. --- This area shall be deducted from the total deep area. Twenty-five square feet of pool water surface shall then be required for each bather.
  - 3) 4) The bather load for Pools which are all shallow and wading pools shall be computed at fifteen square feet of pool water surface area required for each bather.
  - 4) A designated plunge area or landing area for a slide shall not be considered in computing a bather load.
  - 5) One additional bather shall be allowed for each 50 square feet of pool deck area in excess of the minimum. Minimum deck areas are specified in Section 820.200 (j)(4)(1).
- c) Design
- 1) Sand beach areas shall not be allowed inside of the pool enclosure unless fenced off to prevent or control access by bathers. If access is allowed to such areas, an arrangement must be provided which requires bathers returning to the pool area to pass through a water spray which effectively covers an area from a height of approximately four feet to ground level.
  - 2) Grass areas within the pool area shall be roped off or fenced off from the pool deck. Access to such areas shall be prevented when bare areas are allowed to develop or when the grass is not regularly maintained, or when debris is allowed to accumulate or when a nuisance develops which creates a continual wet area, an unsightly condition, an offensive odor, or a muddy condition. The pool area is that area enclosed as required by Section 820.200 (a)(1).



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c)d) Structure. A licensed architect or structural engineer the registered engineer or architect who seats the plans shall certify that the pool is designed to withstand all anticipated hydraulic structural loadings for both full and empty conditions. All appurtenances to the pool, such as diving boards and slides, shall be designed to carry the anticipated load.

d)e) Material. Pools shall be constructed of materials which provide a rigid watertight shell with a smooth, impervious, light colored finish which can be easily cleaned and which that is inert and non-toxic and easily cleaned. Sand or earth bottoms are not permitted. The floor of the pool shall be finished with a slip-resistant non-slip finish. Pool vinyl liners may only be installed over a base of concrete, steel or other such rigid material. The pool bottom shall have a light-colored finish.

f) Shape. The shape of any pool shall be such that the circulation of pool water is not impeded.

e)g) Obstruction. An obstruction creating a safety hazard shall not extend into or above the swimming pool, or shall not protrude from the floor of the swimming pool.

f)h) Slope of Pool Floor Bottom. The floor of a pool shall slope downward toward the main drain. The slope in shallow areas of the bottom of any portion of the pool having a water depth of less than five feet shall not exceed be uniform and slope to the main drain, but shall not be steeper than one foot vertical in 12 twelve feet horizontal except for a slope directed downward from a where the transition point, occurs at a depth less than five feet and where the slope to the bottom is uniform and which shall not exceed one foot vertical in three feet horizontal where a safety rope is provided in accordance with 820(a)(1)(2). In portions of the pool with a depth greater than five feet, the front slope of the deep area shall not be steeper than one foot in three feet. The swimming pool floor below a depth of five feet shall be smooth to facilitate cleaning and movement of bottom sediments toward the main drain. The swimming pool floor below a depth of five feet shall slope toward the main drain. The slope requirements are illustrated in Appendix A: Illustration A.

g) Depth of Water.

i) The minimum depth of water in a swimming pool shall be two and one-half feet except for:

A) Recessed areas in swimming pools which are set aside primarily for the use of children. Such areas, when included as part of the pool, shall be separated from the pool proper by means of a safety line supported by buoys and attached to the side walls, or by other suitable barriers that do not restrict the recirculation of the water, or

B) Special purpose pools where the pool is designated only for the use of swimming by children or special purpose pools which are designed and operated as wave pools. The special purpose design must conform to all other requirements of

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this part unless a change is necessary for the operation and function of the pool or zero depth pools where the bottom of the pool in the shallow end is designed and constructed to meet the pool deck surface at a slope not to exceed one in twelve. In such pools where the water depth is less than 2 1/2 feet, floor inlets shall be provided and spaced uniformly at a distance no greater than 20 feet apart and located not further than 20 feet from the point where the pool bottom intersects the deck and not more than 20 feet from any wall. A continuous trench rain flush with the deck shall be provided along the point of zero depth. The trench shall have dimensions at least equal to the recirculation gutter dimensions.

B) Diving pools or special lap pools.

g)2) Transition Point. Transition points shall be marked with a stripe on the pool floor having a width of at least four inches and a color that contrasts with that of the floor, and with a buoyed safety rope with colored buoys, installed at least one foot on the shallow side of the transition point. In other pools having adjoining shallow and deep areas, a safety rope with colored buoys shall be installed where the water depth reaches five feet. Whenever there is a transition point devices for fastening safety ropes shall be installed at least one foot toward the shallow end of the pool from the transition point, and safety ropes and colored buoys shall be provided. Devices used for attaching the safety rope or racing lane divider ropes shall be recessed. If no transition point is provided, the safety rope shall be installed where the water depth reaches five feet.

h)1) Pool Walls

1) Pool walls shall meet the following requirements: General. All swimming pools shall have walls which are vertical for at least 9 feet below the water surface.

A) Where the pool depth is 42 inches or less, pool walls shall be vertical to the floor. The junction of the wall with the floor shall consist of a cove with a radius not exceeding six inches.

B) Where the pool depth exceeds 42 inches, pool walls shall meet one of the following criteria:

i) The wall shall be vertical for a distance of at least five feet below the water level, below which the wall may angle to the floor; or

ii) The wall shall be vertical for a distance of at least three feet below the water level, below which the wall shall form a curve to the floor. The curve shall be tangent to the pool wall and shall have a radius of curvature at least equal to the vertical distance between the center of curvature and the pool floor.

2) On swimming pools where diving is permitted, walls shall be constructed to comply with one of the following criteria:

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- A) Walls must be vertical for at least six feet below the water level. (See Appendix A--illustration B)--Vertical may be considered as a slope of one foot horizontal for five feet vertical or 11.25 from vertical or
- B) Walls must be vertical for at least three feet below the water level and then form a curve to the bottom. The curve shall have a radius which must be equal to the difference between the depth at the point of curvature (point #1 in Appendix A--illustration B) and the pool bottom depth.

2) If pool safety ledges are provided, construction of safety ledges they shall have a maximum not be over six inch width inches wide, shall be located at least three feet below the water level surface, shall slope away from the pool wall and shall have a slip-resistant non-slip-finish surface with a color that contrasts with the pool walls and floor. 4) The pool wall below the safety ledge shall be constructed in accordance with the requirements of this Section except that the pool wall may slope inward toward the pool at an angle not exceeding 11 degrees from vertical Section 820-280-(f)(2).

3) Underwater seat benches shall be located a maximum of 20 inches below the water level, be visually set apart, have a slip-resistant surface, and be recessed into the pool wall or be installed so that there are no exposed corners or vertical edges in the pool.

4) All junctions between the swimming pool walls, and between swimming pool walls and the swimming pool floor, shall be covered with a minimum radius of one inch.

5) Devices for anchoring safety ropes and racing lane divider ropes shall be recessed into the pool wall.

6) An effective handhold shall be provided at or near the water level where the pool depth is 30 inches or greater. The handhold may consist of the rounded lip of a perimeter overflow system or bullnose coping with round, raised handhold not exceeding two and one-half inches in thickness, or other effective handhold. The handhold shall not protrude more than two inches into or over the pool. A light colored smooth waterproof interior finish shall be provided. The finish shall be non-toxic to man, and smooth without cracks or joints.

## 1) Depth Markers

- 1) The water depth shall be marked at or above the water surface on the wall of the swimming pool and on the edge of the deck next to the pool so as to be readable by persons entering or in the pool. Where depth markers cannot be placed on the walls at or above the water level such that at least 50% of the marking is above water level, they shall be placed on the pool wall as high as practicable and also on the fencing or pool enclosure so as to be plainly visible to persons in the swimming pool. Depth markings shall be provided at the shallow and deep ends of the pool, the

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transition point, and the point of maximum depth, and shall be spaced at not more than 25 foot intervals measured peripherally.

- 2) Depth markers shall indicate pool depth in either feet and inches, or feet and fractions of a foot, be in numerals of four inches minimum height and shall be of a color that contrasts contrasting with the background. Numerals indicating feet or depth shall be a minimum of four inches high.

3) In shallow areas, "no diving" markers at least four inches high must be located at not more than 25 foot intervals around the pool perimeter.

## 1) Walkways and Deck Areas

- 1) Pools shall be completely surrounded by a deck that is at least four feet in width, extends completely around and adjacent to the pool edge, or to a perimeter overflow system or pool perimeter curb, if provided, with no obstructions or interruptions of the pool deck within the four feet adjacent to the pool other than necessary structural supports, or appurtenances such as diving boards, slides, perimeter overflow systems, or handrails. The pool deck shall provide an unobstructed walkway at least 42 inches in width extending completely around the pool. Swimming pools shall have a deck completely around the pool with no obstructions which could create a tripping hazard such as maintenance equipment other than ladders, slides, or diving boards that are part of the pool.

2) Structural supports located within the minimum required deck width or within four feet of the swimming pool shall be no closer than 10 feet apart measured parallel to the adjacent perimeter of the pool, with outdoor pools shall have a deck at least eight feet in width. Indoor pools or pools built in high rise buildings shall have a deck which provides a walkway at least four feet wide completely around them. Structural supports within four feet of the pool edge may be allowed on the decks of indoor pools or pools built in high rise buildings provided such supports are no closer than 10 feet apart measured along the perimeter of the pool. The dimension of any single support in a plane parallel to the adjacent pool perimeter shall not be greater than three feet and the sum of all such support dimensions shall not be greater than 10 percent of the pool perimeter.

- 3) The deck walkway between two adjacent swimming pools shall be at least eight feet wide. All decks and walkways shall have an unobstructed overhead clearance of at least seven feet in height.

4) Deck Coverings. The installation of deck coverings of synthetic material may be installed if it meets the following criteria: used only in separate sunbathing, patio or refreshment areas; synthetic nonfibrous pool deck coverings may be installed on the pool deck or in the bathroom, provided the



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covering-meets-the-following-requirements:

- A) It is non-fibrous and allows drainage such that it will not remain wet or retain moisture;
  - B) It is inert and will not support bacterial or fungal growth;
  - C) It is durable;
  - D) It is cleanable; and
  - E) It provides a slip-resistant non-slip finish.
- 5) The deck shall slope at least one inch two-inches per ten feet to deck drains or to the surrounding ground surface. The maximum slope of the pool deck shall not exceed one inch per foot.
- 6) Except for linear drains, deck drains shall be located so that not more than 900 600 square feet of deck area is tributary to each drain, and deck drains shall not be more than 30 feet apart. Deck drains shall be located so that water does not drain more than 15 feet in any one direction. Where deck widths are 15 feet or less, deck drains are not required provided that the deck drains to the ground surface of-the-ground-or-that-the-water-does-not-drain-across-the-deck-more-than-15-feet-in-any-one-direction. The deck drains shall not be connected to the pool water recirculation system. Pools designed to operate where the pool water level is at the deck level, may be allowed to drain the first four 4 feet of deck into the pool perimeter overflow system. Up to ten feet of the deck adjacent to a zero-depth edge may be drained into the pool.
- 7) The decks and walkways shall have a paved, non-slip surface. The surface of the pool deck, and other surfaces used for foot contact, such as gratings of perimeter overflow systems, shall be slip-resistant.
- 8) The outer perimeter of the deck for outdoor pools shall be at least four inches higher than the surrounding ground surface except where access is provided to adjacent turf areas.
- 9) Any opening in the deck shall have a locking type cover which is flush with the deck.
- 10) Hose bibs with vacuum-breakers shall be provided for cleaning of all parts of the pool and deck (maximum separation 150 feet).
- 11) At-the-deep-end-of-any-pool-constructed-after-February-167-1976 where-there-is-a-diving-board-the-deck-shall-extend-a-minimum-of-four-feet-behind-the-diving-board; 12) Except for wave pools, the vertical distance between the surface of the deck, pool curb or pool rim and the water level surface shall not exceed 10 inches.
- 12) A pool perimeter curb or raised rim, if provided, shall be at least four inches in height, measured above the adjacent pool deck surface. This requirement does not apply to a handhold provided in accordance with subsection (h)(6).
- k) m) Ladders, Step-Holes, Steps and Ramps and-Stairs
- 1) Swimming pools shall have at least two means of egress, located near opposite ends. Pools 30 feet or more in width shall have at

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- least four means of egress that which shall be located near each end and on opposite sides. A means of egress shall consist of a ladder, step-holes and grab rails, stair, ramp, or zero-depth edge or-steps. The distance from any point with a depth greater than 30 inches in the swimming pool to a means of egress shall not exceed 50 feet. At least two ladders or sets of step-holes shall be located at the deep area portion of the swimming pool when more than one diving board is provided.
- 2) Step-holes shall have a minimum tread depth of five 5 inches. Where stairs, step-holes, or ladders are provided within-the-pool, there shall be a handrail or grabrail at the top on both sides which extends to the edge of the pool over-the-coping-or-edge-of-the-deck.
  - 3) Steps leading-into-a-swimming-pool shall be of contrasting color or marked or-constructed to contrast from the pool floor and bottom have uniform size treads of at least 12 inches and a rise of no more than 12 inches. Steps shall be located where the water depth is three and one-half 3-1/2 feet or less, and they shall have no pointed or sharp edges. One sturdy handrail or grabrail per 12 feet of step width or fraction thereof, extending the length of the steps, shall be provided.
  - 4) All ladders, step-holes, and steps shall have non-slip-resistant surfaces.
  - 5) Ramps shall slope at no more than one in 12, shall have a slip-resistant surface, shall be no more than four feet wide, and shall have handrails on both sides.
- l) n) Drinking Fountains. A drinking fountain shall be provided for the use of bathes on the pool deck.
- m) o) Diving Area
- 1) Handrails shall be provided at all steps and ladders leading to diving boards more-than-1-meter-above-the-water, except for those ladders set at 15° or less from the vertical. Platforms and diving boards which are one 1 meter or higher shall be protected with guard railings. One 1 meter diving board guard rails shall be at least 30 inches above the diving board and extend to the pool water's edge. All platforms or diving boards higher than one 1 meter shall have guard rails which are at least 36 inches above the diving board or platform and extend to the pool water's edge. Three 3 meter platforms and boards shall have a side rail barrier.
  - 2) The dimensions of the diving area of a pool that constructed after-February-167-1976-which has diving boards or platforms of three 3 meters or less in height shall conform to those shown in Appendix A, Illustration C. In such pools, the distance from the plummet to the pool wall ahead shall be at least 34 feet at-a-minimum.
  - 3) Swimming pools constructed after-the-date-this-section-is-adopted with diving facilities in excess of three 3 meters in height

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shall comply with dimensions given in Appendix B, Table A and illustrated in Appendix A, Illustration D. If the pool is used for general-purpose swimming as well as diving and if slope N transitions from the deep to the shallow end, then transition slope N shall not be steeper than one 1 foot in three vertical for 3-feet horizontal.

- 4) There shall be no obstruction extending from the wall or the floor into the clear area of the diving portion of the pool. There shall be an ~~a~~ completely unobstructed clear distance of 16 feet above the diving board measured from the center of the front end of the board, and this clearance shall extend at least eight 8 feet behind, eight 8 feet to each side, and 16 feet ahead of the measuring point.

- 5) A plunge area shall be designated for each diving board or platform. There shall be no overlap from plunge areas of other diving facilities or slides. The plunge area for a diving board of one meter height or less shall extend four feet laterally from the center of the board on either side and for a distance of 28 feet in front of the tip of the board. For diving boards or platforms greater than one meter in height, the plunge area shall extend six feet laterally from the center of a diving board or from the side of a platform on either side and for a distance of at least 34 feet in front of the board or platform.

#### n) Starting Platforms Swimming-Pool-Sliding-Boards

- 1) Starting platforms for competitive swimming shall not be installed where the water depth is less than five feet.

- 2) The height of the top of the starting platform shall not be more than 30 inches above the pool water level.

- 3) Edges of pool-side runways, ladders, handrails, and deck anchors shall be rounded to prevent cutting of swimmers during normal use.

- 4) The strength of the assembly shall be such that no structural failure of any component part will occur.

- 5) Steps--Slide steps shall have a minimum tread of 2 inches and a minimum length of 12 inches. The rise height of treads shall be no more than 12 inches. All steps shall have a non-slip surface. Dimensions--Slides shall be constructed in accordance with the following dimensions and as shown in Appendix A, Illustration B: Slide Position

- A) Slides shall be positioned so that any water flowing off the end of the slide runway drops into the pool.

- B) Slides shall be positioned so that the centerline of the slide does not intersect the centerline of any diving board for a minimum of 7 feet from point A as shown in Appendix A, Illustration P. If 2 slides are used in the same pool the minimum distance between their exits which is the distance between point C and point B in Appendix A, Illustration P--(B) shall be computed from the following

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equation and shown in Appendix A, Illustration P:  $EB = 0.3(h) + 22$  where h = height of first slide

where h = height of second slide

- E) The minimum distance between the centerline of a slide and a safety line when they are parallel shall not be less than 3 feet 6 inches. The intersecting distance along the centerline of the slide between a safety line and the runway exit shall be not less than 10 feet as shown in Appendix A, Illustration P.

- B) The minimum height of the slide exit above the coping or deck edge shall be at least 8 inches. The maximum height of the slide exit above the water shall be in accordance with the following table:

Minimum Water Depths--B <sub>1</sub> (Feet)	Maximum Exit Heights Above the Water--B <sub>2</sub> (Inches)
3.5--5	20
over 5-6	24
over 6-8	30
over 8	42

- B) All required distances shall comply with those shown in Appendix A, Illustration P.

- P) All slides shall be positioned so that the slide user cannot hit the edge of the pool diving board, or other equipment at any point with arms extended. The minimum distance from the centerline of the slide runway to the edge of the pool or diving board shall be three feet six inches (3'6") at a point two feet six inches (2'6") minimum from the end of the slide.

- 6) Runway Exit Vertical Angle--The maximum allowable angle of the runway at exit of the slide shall be between 0° and 11° measured downward from the horizontal.

- 7) Hand Rails--Swimming pool slide ladders shall be equipped with handrails to aid the slider in safely making the transition from the ladder to the runway. Hand rails shall begin at a point no more than 4 feet above the pool deck.

#### o) Electrical Installation - Lighting

- 1) All aspects of the facility shall conform with the 1999 National Electric Code (1994 edition).

- 2) Artificial lighting shall be provided at all indoor pools and at all outdoor pools that are open for use where swimming is allowed after sunset in accordance with one of the following:

- A) Underwater lighting of at least 8.35 lumens or 0.5 watts per square foot of pool water surface area, located to provide illumination of the entire pool floor bottom; plus area lighting of at least 10 lumens or 0.6 watts per square foot of deck area.



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- B) If underwater lights are not provided, at least 33.5 lumens or 2.0 watts per square foot of pool water surface area and deck area shall be provided.
- 3) Where portable electric vacuum cleaning equipment is used, electrical receptacles with ground-fault circuit interrupter protection grounded outlets and grounded extension cords with water-proof covers in good repair shall be provided used. Separation between receptacles outlets shall be a maximum of 100 feet. All receptacles installed in the swimming pool area shall have waterproof covers and ground-fault circuit interrupter protection.
- 4) Light dimmers may not be installed on underwater lighting or lights for the pool deck.
- 5) Lighting controls shall not be accessible to the public.
- 6) Acoustics. Indoor pools shall receive acoustical treatment.
- 7) Ventilation. Indoor pools including the dressing, shower and toilet rooms shall be mechanically ventilated and have humidity control. All bath preparation facilities which are enclosed shall be equipped with windows or mechanical ventilation systems.
- 8) Plumbing. All plumbing shall be in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- 9) Emergency Telephone Safety Equipment
- 1) Swimming pools having an area of more than 2000 square feet of water surface area shall be provided with an elevated lifeguard chair. An additional lifeguard chair shall be provided for each additional 2000 square feet of pool water surface area or major fraction (one half or more thereof). They shall be located to provide a clear view of the pool bottom in the area under surveillance.
- 2) The following lifesaving equipment shall be provided and shall be accessible within the confines of the pool area:
- A) A U.S. Coast Guard approved ring buoy with a length of rope at least equal to the maximum width of the pool.
- B) A shepherd's crook at least 12 feet in length.
- 3) Pools larger than 2000 square feet in area shall have additional equipment as listed above for each 2000 additional square feet of pool water surface area or major fraction thereof.
- 4) Every swimming pool shall be equipped with a first aid kit containing the items shown in Appendix B as a minimum.
- 5) Every swimming pool shall have a telephone which is accessible within the confines of the pool area or within 100 feet of the pool area, in case of emergencies.
- 6) Equipment Rooms
- 1) Equipment for swimming pool water treatment necessary for swimming pool operation shall be housed in a lighted and ventilated room which affords protection from the weather and prevents unauthorized access.
- 2) The equipment room floor shall slope toward drains and shall have

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- a slip-resistant non-slip finish.
- 3) A hose bib with a vacuum breaker shall be installed in the equipment room.
- 4) Suitable space, if not provided in the equipment room, shall be provided within the premises for storage of chemicals, tools, equipment, supplies and records where they can be acquired by the pool operator without leaving the premises. The storage space and shall be weatherproof dry and protected from unauthorized access.
- 5) Electrical receptacles in the equipment room shall have ground-fault circuit interrupter protection.
- 6) Wave Pools. Wave pools which are to be used as wave pools shall comply with the following, and, except as specified below, must be designed in compliance with the requirements of this Section and Sections 820.210, 820.210 and 820.220 of this Part and the following:
- 1) Overflow gutters, skimmers, and inlets are not required along the deep end wall from which waves are generated is perpendicular to the length of the pool.
- 2) Wave generating equipment must be installed and shall be provided with an emergency shut-off located at lifeguard chairs or stations on each side of the deep end of the pool.
- 3) A safety railing at least 30 inches in height shall be installed along the edge of the deck where the water depth is between 2 feet and 3 1/2 feet in depth.
- 4) The water depth may be reduced to zero at the shallow end allowing the pool bottom to meet the deck provided the deck does not slope steeper than 1 in 12 in the shallow end.
- 4.5) A safety rope will not be required if when the pool is to be being used only and operated as a wave pool.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.210 Swimming Pool Water Treatment System

- a) General. A water treatment system, consisting of pumps, piping, filters, water conditioning, disinfection equipment and other accessory equipment shall be provided to clarify, chemically balance and disinfect the swimming pool water. The system shall be designed for a recirculation flow rate that will result in a turnover period in each pool not exceeding those specified below. Systems serving pools with skimmers shall be designed for a flow rate of at least 30 gallons per minute for each skimmer.

Type of Pool	Maximum Turnover Period
Diving Pools	8 Hours
Wading Pools, Wading Areas	2 Hours

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Plunge Pools and Plunge Areas	2 Hours
for Water Slides	
Lazy Rivers	2 Hours
Other Pools	6 Hours

Other than equipment for circulating, heating, filtering and chemically treating water, as specified in this Section, or for automation of water quality control, no other type of device may be utilized as part of a pool water treatment system.

## b) Pumping Equipment

- 1) The recirculation pump and motor shall deliver the flow necessary to obtain a the turnover as specified required in subsection (a) of this Section subsection (4). A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.
- 2) The pump shall must--be--of--sufficient--capacity--to provide a minimum backwash rate of 15 gallons per minute per square foot of filter area per minute in sand filter systems. The pump or pumps shall supply the required recirculation rate of flow to obtain the turnover rate required at a total dynamic head of at least: A) 50 feet for all vacuum filters; B) 70 feet for pressure sand or cartridge filters; C) 80 feet for pressure diatomaceous earth filters, unless a lower head is or higher heads are shown by the designer to be hydraulically appropriate.
- 3) If the pump operates with static suction lift, is located at an elevation higher than the pool water line it shall be self-priming.
- 4) Where vacuum filters are used, a vacuum limit switch control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of mercury.
- 5) A compound vacuum-pressure gauge shall be installed on the pump suction line as close to the pump as possible. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump, with no valves between the pump and the gauge. Gauges shall be installed where they can be easily read.
- 6) Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The hair and lint strainer basket shall be easily removable cleanable without dismantling the equipment. Valves shall be installed adjacent to the strainer to allow the flow to be shut off during cleaning, switching baskets, or inspection.
- c) Swimming-Pool Water Heater. A pool water heater heaters shall be installed at all indoor pools. Pool water heaters shall be installed in accordance with the manufacturer's recommendations. Where a swimming-pool water heater is installed, the following shall apply:
  - 1) The heater A--swimming-pool-water-heater piping system shall be

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equipped with a valve bypass pipe around the heater, sized for the swimming pool design flow rate. A valve shall be provided at the bypass and on the influent and effluent heater piping. The influent and effluent heater piping shall be valved, and shall conform to material specifications as approved for water distribution applications in the Illinois Plumbing Code.

- 2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.
- 3) Thermometers shall be provided in the piping to check the temperature of the water returning from the pool and the temperature of the blended water returning to the pool.
- 4) The design of the water heating system shall be automatic temperature-limiting device, which will prevent the introduction of water in excess of 115 to 100° F. to the pool, and thermostat control shall be provided.
- 5) A pressure relief valve with a maximum pressure rating of 75 pounds per square inch and having a thermal capacity at least equal to the heat input rating of the heater shall be provided, with the discharge and shall be piped to within six inches of the floor.
- 6) Venting of gas or other fuel burning water heaters to the outdoors shall be provided.
- 7) Heaters for indoor pools shall be capable of maintaining a minimum an-overall pool water temperature of between 76° F. and 84° F.
- 8) Combustion and ventilation air shall be provided for fuel burning water heaters as required by the heater manufacturer.
- 9) Heaters for indoor swimming pools shall be sized on a basis of 150 BTU per hour B.T.U.-s/hr. input per square foot of pool water surface area.

(1 kilowatt = 3,412 BTU/hr.)

- d) Flowmeter. Flow-Meter. Flowmeters A-flow-meter shall be located so that the rate of recirculation and may be read, the flow-meter shall be located so that the backwash rate of sand filters can be read. In a multiple pool system, flowmeters flow-meters shall be provided for each pool. Separate flowmeters shall be provided to monitor the flow for each area of a pool with a turnover rate that differs from adjacent areas according to subsection (b)(1). Flowmeters shall be provided on inlet supply piping in accordance with subsection (f)(2)(F). Flowmeters flow-meters shall be installed on a straight length of pipe with no valves, elbows or other sources of turbulence within ten pipe diameters upstream or five diameters downstream from the flowmeter at a distance of at least 10 pipe diameters downstream and 5 pipe diameters upstream from any valve, elbow or other source of turbulence. (See Appendix A, Illustration G)
- e) Vacuum Cleaning System.



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- 1) A swimming-pool vacuum cleaning system shall be provided. A pool vacuum-cleaning system capable of reaching all parts of the pool floor bottom shall be provided.
- 2) A vacuum system may be provided which utilizes the attachment of a vacuum hose to the suction piping through the skimmer.
- 23) When the vacuum cleaning system is an integral part of the swimming pool recirculation system, the a wall fitting shall connect be provided 8 to 12 inches below the normal water level. Piping from this connection shall be to the suction side of the pump ahead of the hair and lint strainer catcher, shall be at least 1 1/2 inches in diameter and be equipped with a control valve near the junction with the pump suction line. The size of the vacuum hose shall be at least 1 1/2 inches.
- 4) Automatic vacuum systems may be used provided they are capable of removing all debris from the pool bottom.

## f) Piping, Skimmer and Overflow System:

- 1) Piping.
  - A) The Piping shall be in accordance with the material specifications in Exhibit G, Table B of the Illinois Plumbing Code (77 Ill. Adm. Code 690-Exhibit G, Table B). Piping used in the pool recirculation piping system shall comply with the Illinois Plumbing Code conform to the materials required for water service pipe or water distribution pipe as listed in 77 Ill. Adm. Code 890, Appendix A, Table A, Exhibit G, Table B. Footnotes B7, F7-G and H:
  - B) The piping shall be designed to carry the required flow quantities of water at velocities not exceeding five 5 feet per second in suction piping, and 10 feet per second in pressure piping, unless greater velocities can be hydraulically provided justified. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the head available during normal operating conditions. Difference in water levels between the pool and the operating level in the surge or filter tank.
- C) The following waste lines shall be provided with six 6 inch air gaps at their points of discharge to the waste sump or sewer:
  - i) Main drain bypass or other connections to waste.
  - ii) Sub-surface drains or deck drains around a pool that discharge to a sanitary or combined sewer.
  - iii) Filter backwash or drain lines and overflow lines.
  - iv) Surge tank drain and overflow lines.
  - v) Pump discharge to waste lines.
  - vi) Gutter bypass to waste lines.
  - vii) Deck drainage systems which involve decks which drain toward the pool.
- 2) Inlets.

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- A) Inlets for filtered water shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and to produce surface flow patterns that effectively assist skimming. Inlets in pools with skimmers installed where the water depth is 18 inches or more shall be installed in the pool wall at a depth of eight inches to 16 inches below the mid-point on the skimmer throat. Each inlet installed in a wall of a pool where skimmers are utilized shall be directional. Each inlet shall be adjustable with regard to flow. Each inlet in pools with skimmers shall be directional.
  - B) The velocity of flow through any inlet orifice shall be in the range of 5 to 20 feet per second, except in pools equipped with skimmers it shall be in the range of 10 to 20 feet per second. Velocities for various flows are shown in Appendix B, Table C.
  - e) Inlets for filtered water shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and shall produce surface flow patterns which effectively assist skimming. Inlets in pools with skimmers shall be 84 to 164 below the mid-point on the skimmer throat.
- (C) Inlets installed in pool walls shall be spaced as follows:
- i) In where the distance across the shallow end wall portion of the pool is more than 15 feet, multiple inlets must be provided and spaced so that each inlet shall will serve a linear distance of no more than eight 8 feet in the shallow end wall.
  - ii) In pools with 17500 square feet of surface area or less, inlets shall be provided in the deep end wall, and spaced so that each inlet shall will serve a linear distance of not more than 15 feet in the deep end wall, and
  - iii) In pools with a water surface area greater than 1,500 square feet or length in excess of 60 feet, additional inlets shall be provided along side walls placed at no more than 15 foot intervals around the entire perimeter except that inlets shall be spaced as indicated in subsection (f)(2)(B) in the shallow end wall.
  - iii) The location of inlets in pools with skimmers may vary from the above requirements to allow locations that will assist in skimming.
- (D) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be

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impaired.

**6F)** Where floor inlets are used, inlets shall be uniformly spaced at a distance of no greater than 20 feet apart and rows of inlets shall be within 15 feet of each side wall. Floor inlets shall be installed in wading areas that are more than 30 feet in width. Floor inlets shall be flush with the pool floor and shall include a diffuser plate to evenly distribute the flow in all directions.

**F)** If both wall and floor inlets are utilized in a swimming pool, the wall inlets and the floor inlets shall be supplied by separate piping, with valves and flowmeters installed in each so that the flow can be individually regulated and monitored.

**6G)** ~~A continuous flume, tubing or other arrangement near the pool water surface which serves as inlet supply piping and employs multiple "jet" inlets is approved provided the individual components of the system meet the requirements of subsections (f)(2) and (f)(4).~~

## 3) Outlets.

**A)** All pools shall be provided with a main drain at the deepest point to permit the pool to be completely and easily drained. The main drain shall be connected to the recirculation system. Openings must be covered by a proper grating which cannot be removed is not removable by bathers without the use of tools and which cannot entrap their fingers. Openings of the grating shall be at least four times the area of the main drain pipe or have an open sufficient area so that the maximum velocity of the water passing through the grate does not exceed one and one-half 1-1/2 feet per second, or six feet per second when drain grate is of the anti-vortex type. The maximum width of grate openings shall be one-half one-half inch. Main drains and all other suction outlets installed in a pool shall be designed to prevent bather entrapment by one of the following methods:

i) Multiple drains located at least three feet apart, center to center;

ii) One anti-vortex drain;

iii) A single drain with a grate of at least 18 inches by 18 inches.

**B)** Multiple outlets shall be provided where the width of the pool is more than 45 feet. In such cases, outlets shall be spaced not less than three feet apart, nor more than 30 feet apart, nor more than 15 feet from side walls, and shall be connected in parallel, not series.

**C)** A hydrostatic relief valve shall be provided for in-ground pools. ~~Subsurface drainage, if provided, shall not be directly connected to a sewer.~~

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**D)** Main drain piping shall be sized for removal of the water through it at a rate of at least 100% of the design recirculation flow rate. ~~at velocities specified in subsection (f)(1).~~ The piping system shall be valved to permit adjustment of flow through it.

**E)** In cases where the pool cannot be drained completely through the main drain ~~recirculation system~~, a portable pump and ~~apparatuses~~ which will effect complete pool drainage shall be provided ~~will be accepted~~.

## 4) Perimeter Overflow Systems.

**A)** ~~Pools swimming pools, other than pools designed and used exclusively for diving, which have a width exceeding 30 feet shall have a continuous perimeter overflow system.~~

**B)** A perimeter overflow system shall:

i) extend completely around the pool except that interruptions not exceeding 25% of the pool perimeter nor 30 feet each may be allowed for steps, water slide entries, and side walls adjacent to zero-depth edges;

ii) permit inspection, cleaning, and repair;

iii) be designed so that no ponding or retention of water occurs ~~within any portion of the system~~;

iv) be designed to prevent the entrapment of bather's arms, legs, and feet;

v) except at a zero-depth edge, have an overflow lip that ~~which is rounded~~ provides a good handhold and is level to within one eighth of an 0-2 inch. At a zero-depth edge, a trench drain covered with a slip-resistant grating installed flush with the pool deck and with the pool floor, and level to within one-eighth inch measured along the pool perimeter, shall be provided;

vi) provide for the removal of all water and surface debris skimmed from the pool ~~pool's surface~~;

vii) be designed for removal of water from the pool ~~pool's upper surface~~ at a rate of at least 100% of the design turnover flow rate. ~~When the surge volume is to be stored in the perimeter overflow system, the system must have the capacity to carry 50% of the design flow while maintaining the surge storage capacity;~~

viii) discharge to the recirculation system;

ix) be provided with drains and piping which will not allow the overflow channel to become "flooded" when the pool is in normal use; and

x) have drain gratings with open area at least equal to two times the area of the outlet pipe and which can be removed for cleaning.

**C)** Surge Capacity. ~~Perimeter All pools which have perimeter overflow systems shall be provided with a surge capacity of~~



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at least 0.6 gallon per square foot of pool water surface area. Surge capacity shall be provided either in a vacuum filter tank, in the perimeter overflow system, in the pool in conjunction with provision of surge weirs in the perimeter overflow system, or in a surge tank, of combination thereof. Valving shall be provided to maintain where necessary, to automatically retain water during periods of pool use and to discharge water during periods of non-use such that the proper operating water level in the pool is maintained at all times.

Surge weirs shall pass at least 50 percent of the design recirculation flow rate with the water level at the mid-level of the weir. A minimum of one weir shall be provided for each 500 square feet of pool water surface area or fraction thereof. Surge weirs shall be uniformly spaced around the pool perimeter. The mid-level of the weir opening shall be at least one inch but no more than two inches below the overflow lip of the perimeter overflow system. A flow-regulating device that will maintain a relatively constant flow rate as the water level is varied shall be included. Surge weirs shall not be utilized at a zero-depth pool.

5) Skimmers are permitted on pools where the whose width does not exceed 30 feet. Where skimmers are provided, the following shall be met:

- A) At least one skimmer shall be provided for each 500 square feet of water surface area or fraction thereof, with a minimum of two skimmers provided at any pool;
- B) Skimmers shall be so located to optimize skimming minimize interference with each other;
- C) Each skimmer and piping shall be designed so that it is capable of providing a flow-through rate of less than 30 gallons per minute;
- D) Skimmers shall be piped to provide approximately equal flow through each skimmer in parallel;
- E) The surface skimmer skimmer piping shall have a valve to permit adjustment of flow through it;
- F) Each skimmer shall be provided with an equalizer line at least 1 1/2 inches in diameter, located at least 1 foot below the lowest overflow level of the skimmer. (See Appendix A, Illustration H) A device that will restrict flow through the equalizer pipe during normal operation of the skimmer shall be installed, and a grate shall be installed at the intake to the equalizer pipe in the pool. The grate shall be a convex grate intended for this purpose or one that complies with subsection (f)(3);
- G) The skimmer shall be tested approved in accordance with NSF Standard 50 and listed by an approved certification agency.

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by the National Sanitation Foundation--(N-S-F)--Standards used by N-S-F--to-determine-compliance-are-available-for inspection-at-this-Department.

- H) Skimming devices shall be built into the pool wall;
- I) A basket which can be removed without the use of tools and through which all overflow water must pass, shall be provided;
- J) The skimmer shall be provided with a floating weir and shall operate at variations in water level over a range of at least 4 inches;
- K) Skimmer--pois--shall--have--a--handhold--consisting--of--a built-nosed--coyng--not-over-2-1/2-inches-thick-for-the-outer 2-inches-or-an-equivalent-approved-handhold--as--illustrated in-Appendix-A, illustration-H;
- 9) Make-up Water. Make-up water shall be added All-pois--shall-be equipped-for-the-addition-of-make-up-water-from-a-potable-water-source in-accordance-with-one-of-the-following: 1) Discharge through a fixed air gap of at least six 6 inches to the pool, to a surge tank, or a vacuum filter tank, or other receptacle. When make-up water is added directly to the pool, the fill-spout shall be located under a low diving board or immediately adjacent to a ladder rail, grab rail, or fixed lifeguard chair platform. When added to a surge tank or vacuum filter--tanky--the--6--inch-air-gap--shall-be-measured-above-the-invert elevation-of-an-overflow-pipe-at-least-3-inches-in-diameter. There shall be no connection between a spa or therapy pool or associated water treatment system with a swimming pool or its recirculation system.
- 2) Through--Piping--With--vacuum--breaker-protection-approved-in-the Illinois-Plumbing-Code--(77-iii-Adm-Code-899).
- h) Filtration:
  - 1) General--Fitters--shall-comply-with-the-following:
    - A) All-filters--shall-be-approved-in-accordance-with-Standard-50 by-the-National-Sanitation-Foundation--(N-S-F)--Standards used-by-N-S-F--to-determine-compliance-are-available-for inspection-at-this-Department.
    - B) Pressure-filters--shall-have-pressure-gauges-on-the-inlet-and outlet-piping;
    - C) Pressure-filters--shall-have-an-observable--free-fall--or--a sight-glass--shall-be--installed-on-the-backwash-discharge itter;
    - B) Pressure-filters--shall-have-a-manual-air-relief-valve-at-the high-point;
    - B) The-filter-backwash-disposal-facility--shall-have-sufficient capacity-to-prevent-flooding-during-the-backwash-cycle;
    - F) All-filters--shall-be-designed-so-that-they-can-be-completely drained--Fitters--shall-be-drained-through-a-6-inch-gap-to-a sump-or-sewer;
    - 2) High-Rate-Sand-Fitters:

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- A) Turnover-Rate---The turnover-rate for high-rate sand filters shall be as shown in the following table:

## Type-of-Pool Turnover-Required

Diving-Pools 8-Hours-or-Bess  
 Wading-Pools 2-Hours-or-Bess  
 All-Other-Pools 6-Hours-or-Bess

- B) Filtration-Rate

1) After-June-17-1984, the design-filtration-rate shall be approved in accordance with Standard-50 by N.S.P. Prior-to-June-17-1984, and where the filtration-rate has not been listed by N.S.P., the filtration-rate shall be a maximum of 15-gallons-per-minute-per-square-foot-of-filter-area.

2) The backwash-rate shall be 15-gallons-per-minute-per-square-foot. See-Appendix-A, illustration-I, for approved method of installation.

- 3) Biotomaceous-Earth-Filters:

- A) Turnover-Rate---The turnover-rate for diatomaceous-earth filters shall be as shown in the following table:

## Type-of-Pool Turnover-Required

Diving-Pools 8-Hours-or-Bess  
 Wading-Pools 2-Hours-or-Bess  
 All-Other-Pools 6-Hours-or-Bess

- B) Filtration-Rate---After-June-17-1984, the design-filtration rate shall be approved in accordance with Standard-50 by N.S.P. Prior-to-June-17-1984, and where the filtration-rate has not been listed by N.S.P., the filtration-rate shall not exceed 1 1/2-gallons-per-minute-per-square-foot-of-filter-area-on diatomaceous-earth filters, except that the rate-of-filtration may be increased to 2-gallons-per-minute-per-square-foot-of-filter-area when continuous-feeding-of diatomaceous-earth is employed. The filtration-rate for regenerative diatomaceous-earth filters shall not exceed 2-gallons-per-minute-per-square-foot-of-filter-area. See Appendix-A, illustrations-G and-K for approved methods-of installation.

- C) Filter-Area---The determination of the filter-area shall be made on the basis of measurements of the septum allowance shall not be granted for folds in the septum fabric.

- B) Precoat-Piping---A precoat pot shall be provided on the pump suction line for pressure diatomaceous-earth systems. All diatomaceous-earth filter systems shall have piping arranged to allow recycling of the filter effluent during precoating.

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- B) Continuous-Feed-Rate---Where equipment is provided for the continuous feeding of diatomaceous earth to the filter influent, such equipment shall have a capacity to feed at least 1 1/2-ounces-of-this-material-per-square-foot-of-filter-area-per-day.

- P) Piping---Overflow-piping-on-vacuum-diatomaceous-earth filters shall be provided on the filter tank to discharge overflow water.

- G) Filter-Cleaning---All filters shall be equipped for cleaning by one or more of the following methods: backwashing, air-bump-assist-backwashing, spray-wash, mechanical manual, or agitation.

- 4) Vacuum-Sand-Filters:

- A) Turnover-Rate---The turnover-rate for vacuum sand filters shall be as shown in the following table:

## Type-of-Pool Turnover-Required

Diving-Pools 8-Hours-or-Bess  
 Wading-Pools 2-Hours-or-Bess  
 All-Other-Pools 6-Hours-or-Bess

- B) Filtration-Rate---After-June-17-1984, the design-filtration rate shall be approved in accordance with Standard-50 by N.S.P. The backwash-rate shall be 15-gallons-per-minute-per-square-foot-of-filter-area.

- C) Overflow---Overflow-piping shall be provided in order to drain overflow water.

- 5) Cartridge-Filters

- A) Turnover-Rate

## Type-of-Pool Turnover-Required

Diving-Pools 8-Hours-or-Bess  
 Wading-Pools 2-Hours-or-Bess  
 All-Other-Pools 6-Hours-or-Bess

- B) Filtration-Rate---After-June-17-1984, the design-filtration rate shall be approved in accordance with Standard-50 by N.S.P. for public pools. Prior-to-June-17-1984, and where the filtration-rate has not been listed by N.S.P., the filtration-rate shall not exceed 375-gallons-per-minute-per-square-foot.

- C) Duplicate-Cartridges---A duplicate set of cartridges shall be provided.

- 1) Filters shall be certified to comply with NSF Standard 50 and listed as such by an approved certification agency. The design filtration rate in the particular application in which the filter is utilized shall not exceed the maximum design filtration rate for which the filter was certified. An official certification



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label from the certifying agency shall be permanently affixed to the filter.

2) Pressure gauges that indicate the inlet and outlet pressures of pressure filters shall be installed.

3) For pressure filters, an observable free fall discharge, sight glass or other means of determining the clarity of backwash water shall be provided.

4) Overflow piping shall be connected to vacuum filters if the rim of the filter tank is below the pool water level. Drain piping for vacuum filter tanks shall be provided.

5) The backwash rate for sand filters shall be at least 15 gallons per minute per square foot of filter area. A lesser backwash rate may be allowed when air scouring is utilized in accordance with the filter manufacturer's specifications.

6) A filter backwash disposal facility, designed so that flooding, overflowing or excessive splashing does not occur when the filter is backwashed at the required flow rate, shall be provided where filters designed to be backwashed are utilized.

7) A filter precoat pot or funnel shall be installed on the pump suction piping when diatomaceous earth filters are utilized, unless a precoat pot is provided as an integral part of the filter. The filter piping shall allow recycling or disposal or filter effluent during the precoat operation.

8) If continuous feeding of diatomaceous earth is utilized with a vacuum diatomaceous filter in order to permit a design filtration rate higher than would otherwise be allowable, equipment capable of feeding diatomaceous earth at a rate of at least 1.5 ounces per day per square foot of filter area shall be provided.

9) Filter media for sand filters shall be as specified by the filter manufacturer.

# 1) Disinfectant and Chemical Feeders:

1) General: The minimum chemical feed equipment required at any pool shall include a unit for feed of a disinfectant except as stated in subsection (f)(5).

## 1a) Equipment Capacity.

A) Chlorine. Equipment for supplying chlorine or chlorine compounds of chlorine shall be of sufficient capacity so that it is possible to feed the chlorine at a rate of eight parts per million for outdoor pools and at three parts per million for indoor pools, based on the flow rate required by subsection (a) that would be necessary for a 2-hour turnover in wading pools and a 6-hour turnover in all other pools. Feed rates for various chlorinators and solutions are shown in Appendix B, Table D.

B) Bromine. Flow-through bromine feeders shall be listed and approved in accordance with NSF Standard 50. The brominator shall deliver at least 15 parts per million for outdoor pools and five parts per million for indoor pools based on a

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minimum design flow rate as required by subsection (a). Pot feeders for supplying bromo-chloro-dimethylhydantoin sticks shall contain at least 0.50 pounds of bromo-chloro-dimethylhydantoin per thousand gallons of pool capacity. The feeder shall have a method of feed rate adjustment.

## C) Ozone.

i) Ozone may be used as a supplement to chlorination or bromination as required in subsection (i)(12). Ozone generating equipment and its components shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency. No more than one gram per day of ozone per 10 gallons per minute of flow rate will be allowed.

ii) The ambient air ozone concentration shall be less than 0.10 parts per million (p.p.m.) at all times either in the vicinity of the ozonator and or at the pool water surface. Ambient ozone monitors shall be installed in the equipment room, in the vicinity of the ozone generating equipment, and, when the ozonation system is utilized at an indoor swimming pool facility, in the swimming pool enclosure. Audible and visual alarms that are activated by ozone concentrations in excess of 10 parts per million shall be connected to the ozone monitor. The ozone generating equipment shall automatically shut off when the ozone concentration in the air exceeds 0.30 p.p.m. or when the pool recirculation flow is interrupted.

iii) All corona discharge systems shall include a method for removing ozone in the water in excess of 0.1 p.p.m. prior to return to the pool.

23) Positive Displacement Pumps (Hypochlorinators). Where positive displacement pumps are used to inject the disinfectant solution into the recirculation line, they shall be of variable flow type, and shall be of sufficient capacity to feed the amount of disinfectant required by subsection (i)(12), and shall be installed such that feeding of chemicals is interrupted whenever the swimming pool recirculation flow is interrupted. Positive displacement pumps for feeding chlorine compounds or chemicals for control of pH shall be certified by a certified laboratory to conform to NSF Standard 50. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed five percent by weight. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in subsection (i)(12).

## 34) Gas Chlorinators.

A) The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room with an

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out-swinging door. The room shall be provided with an exhaust system which takes its suction not more than eight 8 inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The intake to the make-up air supply shall be located where the discharge from the exhaust system will not be drawn back into the room. The room shall have a window with an area of at least 100 sq. inches at least 10-inches-square and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided.

B) Chlorine-cylinders-either-full-or-empty-shall-be-anchored-

BE) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than swimming pool recirculated water is used, the supply line shall be equipped with an electric shutoff valve wired to the recirculation pump and shall be equipped with a suitable backflow preventer. (See Appendix A, Illustrations Illustration L, M, and N for approved methods of installation.)

CB) Chlorinator vent lines shall terminate be-conducted-to-the outdoors out-of-doors-similar-to--the-chlorinator---room exhaust-system. A screen made from a chlorine-resistant material shall be installed where the vent line terminates outdoors in order to exclude insects.

DB) The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

EP) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.

G) A-gas-mask-designed-for-use-in-a-chlorine-atmosphere-shall be-provided--A-self-contained-breathing--apparatus-may-be provided-instead-of-a-gas-mask--in-the-event-of-a-chlorine leak-the-fire-department-or-an-agency-trained-in-the handling-of-chlorine-spills-must-be-immediately-contacted-The-phone-numbers-of-the-fire-department-or-above-agency must-be-posted-on-the-outside-of-the-chlorine-room-door-

45) pH Control Feeders. At swimming pools with a volume greater than 100,000 gallons, or at swimming pools utilizing gas chlorine as a

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disinfectant, a chemical feed system feeder-of--positive displacement-type shall be installed for-the-purpose-of--applying chemicals to maintain the pH of pool water within the range of 7.2 to 7.6. The system must be installed so that the feeding of the pH controlling chemical is automatically interrupted whenever the swimming pool recirculation flow is interrupted. A solution tank of at least 20 gallons capacity shall be provided and shall be marked as containing a chemical to control pH. Alternatively, a system incorporating a cylinder of carbon dioxide and injecting mechanism may be employed to lower pH.

56) Erosion Type Chlorine Feeders.

A) Erosion type chlorine feeders shall be tested approved in accordance with NSF Standard 50 and listed by an approved certification agency by-the-N-S-F.

B) Only Where--erosion-type-feeders-are-used-only the chemical specified by the feeder manufacturer shall be used as the disinfecting agent. The chemical compound, percent chlorine in the compound, and amount of chlorine the feeder will deliver shall be specified.

C) The--rate-of--chlorine--feed--shall-comply-with-subsection (i)(2)--The-chemical-compound-and-percent-chlorine-in--the compound--as--well--as--the--feeder--flow--capacity--shall-be specified.

6) Copper/Silver and Copper Ion Generators. All copper/silver and copper ion generators shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency and may only be used as a supplement to chlorination or bromination as required in subsection (i)(1).

J) Testing-Equipment:

i) A-colorimetric--test--kit--shall-be--provided--which--is--a--BPD (Biehy-P-Phenylene-Diamine)--type--kit--or--which--will--determine free-disinfectant-residual--and--pH--of--the--pool--water.

2) Where-chlorine-is-used-as-a-disinfectant--a--test--kit--shall--be provided--which--includes-at-least-4-chlorine-color-standards-and at-least-5-pH-color-standards--Chlorine--standards--shall--range from-0.5-to-2.0-parts-per-million-(p-p-m)--and-pH-standards-shall range-from-7.0-to-8.0-as-a-minimum.

3) Pools-using-chlorinated-cyanurates-for-disinfection-shall-have-a test--kit--to--measure--the--cyanuric-acid--concentration--the cyanuric-acid-test-kit-shall-permit-readings--in-excess-of--200 p-p-m--Where-bromine-is-used-as-a-disinfectant-a-colorimetric test-kit-shall-be-provided--which--will--determine--free-bromine residual--and-pH--Five-bromine-standards-shall-range-from-0.1-to 2.0-p-p-m.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 820.220 Swimming Pool Bath Preparation Facilities

a) General Pool--Facilities. Bath preparation facilities shall be provided at swimming pools in accordance with subsections (b), (c) and (d) of this Section. Section 820.220-(b)-(c)-(d) except where the pool is intended to serve living units (such as hotels, motels, apartments, condominiums, dormitories, subdivisions, travel-trailer-park and resident institutions) where the following conditions are met: 1) Each living unit served contains at least one toilet and one shower and 2) The distance from the farthest living unit served is no more than within 500 feet of the pool entrance enclosure.

b) Design Requirements Bathhouses-

1) Bath preparation facilities Bathhouses to be used by both sexes shall be divided into separate areas designated for each sex two parts, separated by a tight partition, and designated for men or women.

2) Floors of bath preparation facilities bathhouses shall be slip resistant of a non-slip surface, impervious to moisture, and sloped to drain at least one inch 2-inches in 10 ten feet, and Material used for bathhouse floor covering shall be in compliance with Section 820.200(1)(4).

3) The layout of bath preparation facilities bathhouses serving pools with bather loads of greater than 200 shall be such that passage through dressing room areas and other dry areas of the bathhouse the bathers, on leaving the dressing room and/or dry toilet area, pass the wet toilet and showers in that order enroute to the pool.

4) The rooms shall be ventilated and lighted.

5) A hose bib with a vacuum-breaker shall be provided in each side of the bath preparation facilities bathhouse.

c) Showers, Toilets, and Lavatories. Showers and lavatories shall be provided with liquid or powdered soap dispensers. Showers shall be supplied with water at a temperature of at least 90° F and not more than 115° F with adjustable temperature controls which prevent scalding. The number of fixtures provided shall be as shown in computed according to Appendix B, Table E. At a swimming pool used by school classes, one shower for every four persons in the largest class shall be provided for each sex, except that in no case shall the number be less than shown in Appendix B, Table E.

d) Dressing Rooms. For pools with a bather load of more than 300 200, a the total dressing room area shall be provided for each sex shall be at least 5 percent of the water surface area of the pool served by the bathhouse. Shower and toilet areas and walkways shall not be considered dressing areas.

e) Foot Spray. A foot spray, if provided, shall be supplied from the potable water system or the swimming pool recirculation system, have a spray head 18 to 24 inches above the walkway, have a conveniently

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located valve, be arranged to spray the bathers from knees to feet as they enter the enclosure, and have a drain.

f) Foot Bath. No new footbaths may be constructed or installed after the effective date of this Part. A foot bath, if provided, shall be supplied from the potable water system or the swimming pool recirculation system, with discharge through a 6-inch air gap to the basin, and with continual withdrawal of water from the drain or overflow so that the depth of water does not exceed 4 inches.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.230 Wading Pools

a) Floor Bottom. The floor bottom of a wading pool shall be slip resistant non-slip and sloped to the main drain at least 2-inches in 10 feet. The slope shall not exceed one in 12 twelve. No obstructions such as raised drains or steps on which children may fall or become injured, shall be placed in the wading pool area. Designed play items shall be of a design and so located to provide maximum safety to the children.

b) Material. The floor bottom and walls sides shall be of light colored impervious materials. All corners shall be coved.

c) Walk Area. There shall be a walkway at least four 4 feet wide extending entirely around the pool sloped to drain away from the pool. The walks shall be constructed of impervious material with a slip-resistant non-slip finish. The walks shall slope not less than one inch 2-inches in 10 feet away from the pool edge. A hose bib with a vacuum-breaker shall be installed in the pool area.

d) Barrier Fence. A fence or other effective barrier to separate the wading pool from other pools, at least 3-1/2 feet in height, shall be provided installed around the entire wading pool. The fence shall be in compliance with Section 820.200-(a).

e) Inlets. Inlets shall be provided as specified for swimming pools by Section 820.210(f)(2). At least two water inlets shall be installed. The inlets shall be located to produce uniform circulation of water without the existence of dead spots.

f) Drains. A minimum of two main drains shall be provided at the low point, located at least three feet apart center to center and connected to the recirculation system. The wading pool shall be equipped at its low point with a drain. The drains drain shall be piped and valved so that water from the wading pool can be drained by bypassing the filter. Drains shall be provided with grates in compliance with Section 820.210(f)(3)(A) and shall be flush with the pool floor.

g) Overflow System. A perimeter overflow system shall be provided along at least one-sixth of the perimeter of the pool. As an alternative, a skimmer shall be provided for per each 500 square feet of water surface area

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or fraction thereof may be installed. The design of the overflow system shall conform to the requirements listed in Section 820.210, except that if a skimmer equalizer line is provided, it shall may be connected to installed in the pool bottom or the main drain line may be designed to serve as an equalizer line.

- h) Water Treatment. Recirculation and 7 filtration and disinfection equipment shall be installed and operated at wading pools which cannot be adequately served by an adjacent swimming pool recirculation system or when existing equipment on adjacent swimming pool recirculation systems cannot meet the recirculation, filtration and disinfection requirements of Section 820.210. Recirculation and disinfection equipment shall have sufficient capacity to provide a pool volume turnover rate of once every 3 hours or less. A separate disinfection system shall be installed and operated for the wading pool. The design of water recirculation, filtration, and disinfection systems shall be in conformance with Section 820.210.

- i) Make-Up Water. The make-up water shall be from a potable water source which complies with Section 820.110. The point of discharge of make-up water shall be at least 6 inches above the pool overflow level. Recirculated water from a swimming pool may be utilized as a make-up water source for an adjacent wading pool.
- j) Piping. All wading pool piping shall comply with the requirements of Section 820.210 (f).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.240 Spray Pools

- a) Material. Spray pools shall be constructed of an impervious material that which has a slip-resistant non-slip finish.
- b) Design. Slopes. The floor of a spray pool spray pool bottoms shall slope at least one inch 2 inches in 10 feet and not more than one 1 foot in 12 feet toward the drain. No obstructions other than designed play items such as raised drains or steps on which children may fall or become injured shall be placed in the spray pool area. Designed play items if provided shall be of a design and so located to provide maximum safety to children.
- c) Drains. The spray pool shall be equipped at its low point with an unvalved drain. The drain shall be of such size and design that water sprayed into the pool will not pond in the pool floor bottom.
- d) Water Supply. The water supply sprayed into the pool shall meet the requirements of Section 820.110, or be provided from the water treatment system from another pool. Alternatively, the water may be circulated from a tank or basin, with a water treatment system as required for a pool by Section 820.210 and designed to provide a turnover rate for the tank or basin of no more than two hours. Spray heads shall be installed so that they there will not be submerged no

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- possibility of their submergence.
- e) Hose Connection. A hose bib with a vacuum breaker shall be provided within 75 feet of the spray pool for cleaning the spray pool.
- f) Walk Area. The spray pool shall be entirely surrounded by a walk constructed of impervious material which has a slip-resistant non-slip finish.
- g) Fence. A fence or other An effective barrier to separate the spray pool from other pools 7 at least 3 1/2 feet in height shall be provided installed around the spray pool area. The fence shall comply with the requirements of Section 820.200 (a).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.250 Water Slides

- a) General Requirements
- 1) Structure. All slides shall be designed and constructed in accordance with the manufacturer's instructions to carry the anticipated load. Plans for water slides shall be signed and sealed by a structural engineer licensed to practice in Illinois.
- 2) Steps. Slide steps shall be slip resistant and have a minimum tread of two inches and a minimum length of 12 inches. The riser height of the steps shall not exceed 12 inches. Specific requirements that apply to water slides are included in subsection (b)(1) of this Section.
- 3) Plunge Pools. Plunge pools shall comply with Sections 820.200 and 820.210 except that, for a plunge pool for a water slide, a deck is not required where the slide exits into the pool.

## b) Water Slides

- 1) Design and construction. All curves, turns, and tunnels on the path of a flume shall be designed and constructed in accordance with the manufacturer's instructions.
- 2) Walkways. Walkways or stairs leading to the top of slides shall be slip resistant, rigid, and have a four foot minimum clear width.
- 3) Slide Position. There shall be a slide plunge area extending at least five feet on either side of the centerline of the slide terminus and 25 feet in front of the slide. This area shall not infringe on the plunge area for any other slides or diving equipment. Steps shall not infringe on this area.
- A) A flume shall be perpendicular to the pool wall for a distance of at least ten feet from the exit end of the slide. The last ten feet of the flume shall have a slope that is not steeper than one in ten.
- B) A flume shall terminate between a depth of six inches below to two inches above the pool water surface level.
- C) The plunge area water depth shall be between two and



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one-half and four feet at the end of the flume and for at least ten feet beyond. The pool floor slope in the plunge area shall not exceed one foot vertical in 12 feet horizontal.

4) Surge Reservoir. A surge storage reservoir shall be provided except where the pool water elevation will not be lowered more than one inch when the water slide pumps are in operation. The surge reservoir shall not be accessible to the public.

5) Plunge Area. A water slide plunge area in a swimming pool shall be roped off from the rest of the pool when the slide is in operation. Distances to any roping shall comply with subsection (g)(2). A means of egress shall be provided on the end of the plunge area opposite the flume terminus.

6) Grates. The intake openings for water pumped from the pool or beach must be covered by grating that cannot be removed without the use of tools. The grate openings shall be at least four times the area of the intake pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second. The maximum width of the grate openings shall be one-half inch. Drains shall be designed to prevent bathwater entrapment as specified in Section 820.210(f)(3)(A).

- c) Drop Slides
- 1) Slide Position. There shall be a slide landing area extending at least five feet on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides or diving equipment. Steps shall not infringe on this area.
- 2) Water Depth. The water depth directly below the slide discharge point and for a distance of 12 feet beyond shall comply with the following requirements:

Slide Platform Height above Water Level in Feet	Water Depth in Feet
3.5 to 5	8
5 to 10	10
10 to 12	12

- 3) Platform Height. The drop slide platform shall not exceed 12 feet in height, measured above the water level in the plunge area.
- d) Other Slides
- 1) There shall be a slide plunge area extending at least three feet six inches on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides, water slides, drop slides, or diving equipment.

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- 2) Unless the slide is designed by the manufacturer for safe exits at lesser depths, the water depth and slide exit height above the water shall be in accordance with the following table:

Minimum Water Depth in Feet	Maximum Exit Height Above the Water in Inches
3.5 - 5.0	20
5.0 - 6.0	24
6.0 - 8.0	30
8.0 - 10.0	42
Over 10	48

- 3) Slides shall be positioned so that any water flowing off the end of the slide terminus drops into the pool.
- 4) Handrails. Slides shall be equipped with handrails to aid the slider in safely making the transition from the ladder to the runway. Handrails shall begin at a point no more than four feet above the pool deck. a) General. Water slides are subject to the rules stated in this Subpart when the water slide is located in a recreational area regulated under authority of the Campground Licensing and Recreational Area Act (210-1B6S-95). b) Exits into an existing licensed swimming pool or bathing beach. c) Exits into a pool designed and intended for general purpose swimming or recreation. d) Interconnected with a general purpose swimming pool, either directly or through the recirculation or water treatment equipment for the swimming pool.
- b) Turnover Rate. The water turnover rate shall be 2 hours or less except where a swimming pool is used as a plunge pool. In this case the turnover rate shall be in accordance with Section 820.210(h).
- c) Walkways. A four-foot minimum width, non-slip paved walkway or steps shall be provided between the plunge pool deck and the top of the flume(s).
- d) Decks.
- i) The deck around the plunge pool shall be at least four feet wider except at the side where the flume terminates. The plunge pool decks shall slope away from the plunge pool at least two inches in ten feet.
- 2) Beck drains shall be provided in accordance with Section 820.200(f)(6).
- e) Steps. Steps leading into the pool shall comply with Section 820.200(f)(3) and (4).
- f) Enclosure. The large pool shall be enclosed in accordance with Section 820.200(a) to prevent access by individuals in the slide area.
- g) Plumes.
- i) Position. A flume shall be perpendicular to the plunge pool wall for a distance of at least 10 feet from the exit end of the

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flume--The last 10 feet of the flume shall have a slope which is not steeper than 1 in 10.

- 2) Clearances--The distance between the side of a flume terminus and a plunge pool side wall shall be at least five feet unless the flume terminus is designed to move sliders away from the wall and the distance to an adjacent flume is at least 8 feet. The distance between sides of adjacent flume terminus shall be at least five feet. The distance between a flume terminus and the opposite side of the plunge pool shall be at least 25 feet. Steps shall not infringe on this area.

- 3) Elevation--A flume shall terminate between a depth of six inches below the plunge pool operating water surface level and two inches above the water surface level unless the slide is provided with an exit flume designed by the manufacturer for safe exit at lesser depths.

- 4) All curves, turns, and tunnels on the path of a flume shall be designed and constructed in accordance with the manufacturer's instructions.

- 5) The construction, dimensions and the mechanical attachment of the flume components shall be such that the surface of the flume is smooth and continuous for its entire length.

A) Flumes and pools shall be watertight and their surfaces shall be chemically inert, nontoxic, smooth, and easy to clean.

B) Each flume shall have a distinctive line or marking to indicate the starting zone in which only one rider at a time is permitted. This line shall be in accordance with the manufacturer's specifications or 30", whichever is the longer distance. A sign shall be posted at the top of the long distance. A sign shall be posted at the top of the slide warning all sliders not to proceed down the slide until the slider in front of him has passed this line.

## h) Plunge Pools

- 1) Depths--The plunge pool operating water depth at the end of a flume shall be between 2 1/2 and 3 1/2 feet unless the slide is provided with an exit flume designed by the manufacturer for safe exit at a lesser depth. This depth shall be maintained in front of the flume for a distance of at least ten feet from which the plunge pool floor may have a constant slope upward to a minimum water depth of two feet. This slope shall not be steeper than 1 vertical in 12 horizontal. The bottom shall slope to the main drain at least 2" in 10 feet.

- 2) Surge Pools--A surge storage area shall be provided which will contain the water used for pumping onto the slide during periods when the slide is not in use except where the plunge pool is a swimming pool where the water elevation will not be lowered more than 1 inch when the flume pumps are in operation.

- 3) Swimming Pools--Where a swimming pool is used as a plunge pool,

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the area where the slide exits shall be roped off from the area of the pool used for swimming and bathing. Distances to any roping shall comply with the clearances specified in Section 820-250(g)(2).

- i) Water Treatment--Water from the swimming pool or plunge pool shall be treated and filtered in accordance with Section 820-210. Water shall meet the quality standards of Section 820-320. Where sliders exit into a licensed bathing beach or a bathing beach located in a licensed recreational area or youth camp, the water shall meet the water quality standards of Section 820-400.

- j) Bather Preparation Areas--A dressing area and toilet facilities shall be provided for each sex.

## k) Supervision

- 1) At least one attendant shall be on duty at all times when the slide is in operation in order to control the traffic of individuals using the slide. Attendants shall ensure that the slide is used in a safe and responsible manner. This attendant shall be qualified in both first aid and life saving techniques through Red Cross, YMCA, or equivalent training. One attendant at the plunge pool shall not be assigned other duties that would distract his attention from proper observation of persons in the pool area or that would prevent immediate assistance to persons in distress.

- 2) When a continuous line of 5 or more people is waiting to use the slide, one or more attendants shall be on duty at the top and bottom of the slide to assist users, control timing of each person on the slide and supervise all visible portions of the slide.

- 3) When the plunge pool is not visible from the top of the slide, a means of communication shall be provided between the attendants at the top and bottom.

- i) Grates--The intake velocity for water pumped from any plunge pool to the slide shall not exceed 1 1/2 feet per second and the intake opening shall be protected by a grating. The maximum width of grating shall be 1/2 inch.

- m) During the operating season the operator shall:

- 1) Make a daily inspection of each flume and check for and eliminate any of the following conditions:

A) loose railings

B) leaking seals at butt joints

C) rough patching at cracks or joints

B) loose guards at turns

B) unusual movement of flume bed when walked on

F) growth of algae

G) sharp edges and rough surfaces on flume and safety rails

H) projection of any structure or plant growth near or into the flume.

- 2) Inspect areas weekly where chemicals are stored or dispensed



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checking--for--proper--ventilation, lighting, cleanliness, proper labeling, and storage of chemicals.

- 3) Not use any mat which is not pliable and in good condition.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.260 New Equipment, Construction and Materials (Repealed)

a) General:--The use of--new--equipment--which has not previously been approved by the Department--shall not be allowed unless such equipment has been approved in accordance with Standard 50 by N.S.P. and unless the equipment is installed and operated in accordance with the use for which it was approved.

b) Construction Designs:--The Department will grant construction permits and will grant up to 2 conditional licenses for the use of a new construction design which has not previously been approved provided information is submitted which will show that the construction design will result in a safe swimming environment which will meet the safety intent and water quality requirements of this Part. Conditional licenses shall be issued to each pool utilizing such new design. A 2 year performance evaluation will be conducted by the Department. If the design is found to produce an unsafe swimming environment the pool shall be reconstructed in a manner which will eliminate the unsafe condition as stated by written order of the Department.

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.270 Lazy Rivers

Lazy rivers shall be provided with a water treatment system in accordance with Section 820.210. A system for effectively skimming the pool surface and uniformly distributing filtered water shall be provided.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: SWIMMING-P005 OPERATIONAL REQUIREMENTS

## Section 820.290 Applicability of Operation Requirements

Swimming pools and other pools associated with or provided as an appurtenance to a swimming pool shall be operated in accordance with this Subpart D.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 820.300 Personnel

a) Manager/Operator Manager-Operator. A pool manager/operator shall be designated and shall be responsible for the operation of the swimming pool facility in compliance with this Subpart. Pools--the manager-operator--shall submit the monthly operation reports and pool water samples.

b) Lifeguards Lifeguards 1) A lifeguard or lifeguards shall be provided as specified below when persons under the age of 16 are allowed in the pool area without supervision by a parent, guardian or other responsible person at least 16 years of age. At facilities where lifeguards are not provided, a sign shall be posted that states "This facility is not protected by lifeguards. Persons under the age of 16 must be accompanied by a parent or guardian. Swimming alone is not recommended." At all swimming pools which allow bathers 16 years of age or under to enter the pool area without a responsible person 17 years of age or older present except when the parent or guardian of each person under 17 years of age submits written permission to the pool owner allowing individuals under 17 years of age to enter the pool area or swim without a lifeguard or a person 17 years of age or older present.

1) Certification. Lifeguards shall be currently certified as such by the American Red Cross, the National Pool and Water Park Lifeguard Training Program, the YMCA, or another lifeguard certifying organization with an equivalent lifeguard certification program, as determined by the Department.

2) Authority. Lifeguards shall have the authority to order any person who does not comply with the rules of the Department or those of the facility to leave the pool.

3) Identification. Lifeguards shall be dressed in swimming attire and be identified as a lifeguard. A copy of each lifeguard's certificate must be available for inspection at the facility.

4) Minimum number. At facilities where lifeguards are required, the following minimum number shall be on duty:

A) At pools, one lifeguard per 200 bathers or 2,000 square feet of water surface area, whichever is less;

B) At water slides, one lifeguard within 50 feet of the discharge point of any flume. Such lifeguards shall not be responsible for guarding other portions of a swimming pool or beach.

2) All swimming pools which do not provide a lifeguard must post and enforce the following rule:--"No person may enter the pool area alone or swim alone."

3) Where lifeguards are required, lifeguards shall comply with the following:

A) Lifeguards shall have a current life-saving certificate. Current training as a lifeguard or water safety instructor by the American Red Cross, YMCA, or equivalent will satisfy

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~~this requirement. The certificate of such competency shall be prominently posted.~~

B) ~~More than one lifeguard shall be on duty at large pools and/or pools with a large number of bathers. Lifeguards shall be provided at a ratio of 1 per 200 bathers or 1 per 2000 square feet of water surface area, whichever is less.~~

C) ~~Lifeguards shall be dressed in swimming attire.~~

5)B) Lifeguards assigned to the supervision of the pool shall not be subject to duties that would distract their attention from proper observation of persons in the pool area, or that would prevent immediate assistance to persons in distress in the water.

c) Attendants

1) At least one attendant shall be on duty at the top of all water slides when the slide is in operation in order to control the traffic of individuals using the slide. Attendants shall ensure that the slide is used in a safe and responsible manner. For multiple water slides having a common starting platform, an attendant shall not be assigned to monitor more than two water slides concurrently.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.310 Safety Equipment

The following safety equipment shall be readily available for emergency use at all times when the swimming pool facility is open for use:

a) Rescue Equipment. The following rescue equipment shall be provided and conspicuously displayed at swimming pools except when certified lifeguards are provided and each lifeguard is equipped with a rescue device approved by the lifeguard certifying organization. Lifesaving equipment shall be mounted in a location where the equipment can be seen and obtained anywhere on the deck. All such equipment shall be kept in good repair. Bathes shall not be permitted to tamper with use for any purpose other than its intended, or remove such equipment from its established location.

1) A U.S. Coast Guard approved ring buoy with an attached throw rope with a length at least equal to the maximum width of the swimming pool or 50 feet, whichever is less. One such buoy shall be provided for every 2000 square feet of water surface or fraction thereof.

2) A life hook or shepherd's crook at least 12 feet in length.

b) First Aid Kit ~~the first aid kit~~. One or more first aid kits shall be kept filled with contents as required in Appendix B, Table B and ready for use. Items which have a shelf life shall be kept current.

c) Emergency Telephone and Emergency Contact List. A telephone shall be accessible in the vicinity of the swimming pool, in or within 100 feet of the pool enclosure. The telephone numbers of the local police,

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State Police ~~state police~~, fire department, physician, ambulance service, and a hospital, or 911 where applicable, shall be posted in a conspicuous place near the telephone. The name, address and telephone number of the swimming pool shall be listed by the telephone. The location of the emergency telephone shall be posted in the swimming pool area unless the telephone is located in the pool area.

d) Lifeguard Stations. Lifeguard chairs or stations shall be located so as to provide a clear unobstructed view of the pool area under surveillance ~~Att-drownings-and-injuries-requiring-hospitalization shall be reported to the Department.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.315 Notification

All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours, and the Department's "Drowning and Injury Report" form shall be completed and submitted within seven days. This form contains instructions for contacting the Department.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.320 Water Quality

a) Testing Equipment

1) Water testing equipment for determining pH and disinfectant level of pool water shall be provided. The equipment for determining pH shall include at least five color standards with a range of pH 6.8 to 8.0 as a minimum.

2) Where chlorine is used as a disinfectant, a DPD-type test kit shall be provided that includes at least four chlorine color standards with a range of 0.5 to 3.0 p.p.m., as a minimum.

3) Where bromine is used as a disinfectant, a colorimetric test kit shall be provided that will determine free bromine residual and pH. The test kit shall include at least five bromine standards covering a range of 1.0 to 5.0 p.p.m.

4) Pools using chlorinated cyanurates for disinfection shall have a test kit to measure cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 p.p.m.

5) Where silver/copper or copper ion generators are used, a test kit to determine the concentration of copper shall be provided.

b) Disinfectant Residual

1) Where chlorine is used as a disinfectant, the A chlorine residual shall be maintained between 1.0 0-5 parts-per-million (p.p.m.) and 5.0 2-0 p.p.m. as free available chlorine residual. A free chlorine residual of at least 2.0 p.p.m. shall be maintained when



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- the pool water temperature exceeds 85° F.
- 2) Where bromine is used as a disinfectant, a A-bromine residual shall be maintained between 2.0 ±0-p.p.m. and 10.0 ±0 p.p.m. as total free-available bromine. A bromine residual of at least 5.0 p.p.m. shall be maintained when the pool water temperature exceeds 85° F.
  - 3) Where chlorinated cyanurates are used, the cyanuric acid concentration shall not exceed 100 p.p.m.
  - 4) When combined chlorine in excess of 0.5 p.p.m. is detected, the pool shall be superchlorinated or oxidized by other means to eliminate it the presence of--chloramines--is--determined superchlorination-to-5-10-p.p.m.--is-required.
  - 5) Where silver/copper or copper ion generators are used, the concentration of copper shall not exceed 1.3 p.p.m. and the concentration of silver shall not exceed 0.05 p.p.m.
  - 6) Where ozone is used, the ambient air ozone concentration shall be less than 0.1 p.p.m. at all times either in the vicinity of the ozonator or at the pool water surface.

c) b) pH. The pH of the pool water shall be maintained between in-a--range of 7.2 and to 7.6. The Department may allow the maintenance of a higher pH in conjunction with maintenance of--a--higher--disinfectant residual--in--special--cases--where--corrosive--water--supplies--dictate--the need--for--such--measures--for--protection--of--equipment.

d) e) Turbidity. The pool water shall be sufficiently clear that the main drain grate a-black-disk-6-inches-in-diameter-on-a-white-background when placed on the bottom of the pool at the deepest point is clearly visible from the pool deck.

e) d) Alkalinity. The alkalinity of the pool water shall not be less than 50 nor more than 200 p.p.m. parts-per-million-(p-p-m) as calcium carbonate.

f) e) Temperature. The pool water temperature for indoor swimming pools shall not be less than 76° F. nor more than 92° F 84°-p. The Department will allow variances from the above temperature limits--for special--use--purposes--such--as--competition--physical--therapy--or instruction--of--children--Variances will be approved provided proof is presented showing a variance from the temperature requirements is necessary for the special uses stated, and that the variance will not jeopardize public health--Air temperature at an indoor pool shall be higher than the water temperature.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.330 Swimming Pool Closing

The manager/operator shall immediately close the pool whenever a)---Criteria-for Closing-a-Swimming-Pool---Whenever any of the following conditions exist in--a swimming--pool---wading--pool---diving--pool---or--plunge--pool---it--shall--be

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## Immediately-closed:

- a) b) Conditions if--conditions at a swimming pool or bathhouse create an immediate danger to health or safety--as-determined-by-the-Department.
- b) a) Bacteriological When-bacteriological-analyses results show any of the following:
  - 1) A) Coliform concentration of 10 per 100 ml in two consecutive samples;
  - 2) B) Presence of fecal coliform, E coli, beta hemolytic Streptococcus or Pseudomonas in any sample.
- c) b) Turbidity When-turbidity exceeds the criteria outlined in Section 820.320(d)(c).
- d) a) A When-the disinfectant residual consisting of a minimum of 0.5 p.p.m. free available chlorine or 1.0 p.p.m. available bromine is not present or below-the-minimum-level-stated-in-Section-820-320(a)--and the disinfection system is inoperable. If--the--chlorinator--or disinfection-system-is-inoperable--the-pool-shall-be-cleared--until--the proper-residual-is-obtained.
- e) The total chlorine concentration exceeds 5 p.p.m. or the total bromine concentration exceeds 10 p.p.m.
- f) When the recirculation pumps and/or the filters are inoperable.
- g) When the pH of the pool water is less than 6.8 or greater than 8.0.
- h) When a patron has defecated or vomited in the pool. When this occurs the manager/operator shall remove visible foreign matter and superchlorinate the affected area of the pool. The pool must remain closed for a minimum of 30 minutes, or longer if necessary, for the disinfectant residual to return to prescribed levels. When an incident occurs in a pool with a capacity greater than 50,000 gallons, the pool operator may elect to prohibit use of the affected area only in lieu of closing the pool.
- i) When a suction grate is loose, improperly installed, damaged or missing.
- j) b) When a written notice to close is issued by the Department, in which case the said notice shall be posted by the owner, operator or licensee at the entrance to the pool area. The pool shall remain closed and locked until the Department has authorized the reopening of the pool.
- c) When-the-condition(s)-resulting-in-the-issuance-of--a-closing-order have-been-abated--the-Department-will-authorize-reopening-of-the-pool.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.340 Operation and Maintenance

a) Pool and Pool Area-

- 1) The swimming pool shall be maintained free from sediment, lint, dirt and hair. Cracks and other defects in the pool shall be

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repaired. The walls, ceilings, floors, and equipment and the pool proper shall be maintained ~~as often as necessary~~ so that they are protected from deterioration. All equipment shall be maintained in proper operating condition, with all required components in place. Equipment required to be NSF Standard 50 certified, including filters, skimmers and chemical feeding equipment, shall not be altered or modified in any way. ~~The bottom and sides of the swimming pool shall be maintained so that they are free from deterioration.~~

- 2) Pool decks shall be rinsed daily. Indoor pool decks shall be disinfected at least weekly. The walks ~~walk-areas~~, overflow gutters, counters, lockers, equipment, furniture, interior partitions and walls shall be kept in good repair, clean, and sanitary. No furniture, plants or other furnishings shall be placed within four feet of the pool. The deck shall be kept free of tripping hazards, such as deck surface irregularities, hoses, and maintenance equipment.

- 3) Floats or tubes not in use must be removed from the pool.  
4) Starting blocks shall not be used for any other purpose than competitive swimming activities.

- 5) Safety ropes shall be kept in place except when the swimming pool is being used exclusively for lap swimming or competition.

- 6) Access to grass areas shall be prevented when bare areas develop, when the grass is not regularly maintained, when debris is allowed to accumulate, or an unsightly condition, offensive odor, or a muddy condition exists.

- 3) ~~Food-and/or-Drinks---No-food--drinks--or--smoking--shall--be permitted--in--a--swimming--pool--or--on--the--swimming--pool--decks--except--in--areas--separated--and--designated--for--this--purpose--in accordance with Section 820-200(a)(3).~~

- b) Perimeter Overflow and Skimmers. The perimeter overflow systems or automatic surface skimmers shall be clean and free of leaves or other debris ~~obstacles~~ which would restrict flow. The strainer baskets for skimmers shall be cleaned daily. Broken or missing skimmer weirs shall be replaced. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action ~~at--each skimmer~~ which will remove all floating matter from the surface of the water. The pool water shall be maintained at an elevation such that ~~so--that~~ effective surface skimming is accomplished. A higher water level may be maintained during official swimming competition. For pools with perimeter overflow systems, adequate surge storage capacity shall be maintained so that flooding of the perimeter overflow system does not occur during periods of peak usage. The flow returning from the pool shall be balanced or valved such that the majority of flow is returned through the perimeter overflow or skimmer system.

- c) Inlet Fittings. Inlets shall be checked frequently ~~so to insure~~ that the rate of flow through each inlet establishes ~~is such that~~ a uniform distribution pattern ~~is established~~. Inlets in pools with surface

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skimmers shall be adjusted as necessary to provide ~~assure~~ vigorous skimming.

- d) Bather Preparation Facilities

1) ~~Floors the floors of dressing--rooms,--shower--stalls--and--other interior--rooms~~ shall be cleaned and disinfected daily.

2) Toilet rooms and fixtures shall be kept clean, free of dirt and debris and in good repair. Floors shall be maintained in a slip-resistant ~~non-slip~~ condition. Soap dispensers shall be filled and operable. A supply of toilet paper shall be provided at each toilet at all times.

e) Foot Baths. Foot baths shall be free of dirt, debris and other floating matter and shall ~~be---they--shall--be~~ operated ~~by on--the~~ ~~flow-through--principle--of~~ continuously introducing fresh water and discharging used water to waste.

4) ~~Street-Attire---Street-shoes--shall--not--be--worn--on--the--pool--decks--or wet--areas--of--the--bather--preparation--facilities.~~

5) Security. Doors or gates in the swimming pool enclosure shall be kept closed and locked when the swimming pool is ~~closed not-open-for-use~~.

gh) Bather Loads

3) The number of persons ~~in--bathing--attire~~ within a swimming pool enclosure shall not exceed the permissible bather load established by the Department. Additional patrons may be allowed at other recreational features within the pool enclosure, such as sand play areas, turf sun-bathing areas and picnic areas, if additional toilet facilities are provided. However, the number of patrons in swimming pools, wading pools or on the pool deck shall not exceed the bather load. 2) The permissible bather load shall be posted at the pool entrance ~~to--the--pool~~ or at a location where it can be seen by all patrons ~~swimmers~~ and shall be enforced by the manager/operator.

h) Electrical Systems---~~Repairs~~ shall be maintained in accordance with the National Electrical Code.

i) Diving Equipment. Diving equipment shall be maintained in a safe condition, be securely anchored, and have a ~~slip-resistant non-slip~~ surface.

j) Vacuum Cleaners. Vacuum cleaning shall not be conducted when the pool is in use.

k) Operation of Mechanical Equipment--  
1) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the pool. All valves and piping in the equipment room must be permanently identified as to use and direction of flow. A valve operating procedure must be provided in the equipment room for each operation (e.g., recirculation, filtration, backwashing, etc.).

2) Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the pool water recirculation system shall be kept in continuous operation 24 hours a day. A recirculation and filtration flow rate that will result in a



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turnover period as specified in Section 820.210 shall be maintained at all times.

- 3) Recirculation Pumps. The pump shall not be throttled on the suction side during normal operation except for necessary regulation of flow through main drain piping. Recirculation pumps shall be kept in good repair and condition. The pump discharge or inlet supply line valve shall be adjusted as necessary to maintain the design flow rate.

## 4) Filtration.

- A) The filtration flow rate shall not exceed the maximum filtration design flow rate specified by the filter manufacturer for public swimming pool usage in accordance with NSF Standard 50. Where this rate is not known or has not been determined, the flow rate shall not exceed 15 gallons per minute per square foot of filter area for high-rate sand filters, 3 gallons per minute per square foot for other sand filters, 1.5 gallons per minute per square foot for diatomaceous earth filters, or 0.375 gallons per minute per square foot for cartridge filters.

## BA) Sand Filters.

- i) The filter air release valve shall be opened as necessary, to remove air which collects in the filter; and following each backwash.
- ii) The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.

## CB) Diatomaceous Earth Filters.

- i) The dosage of diatomaceous earth precoat shall be at least one and one-half 1-1/2 ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Whenever the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Backwashing shall not be performed when the pool is in use.

- ii) During following the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced.

- iii) When continuous diatomaceous earth feed is utilized so that a filter may be operated at a filtration rate

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higher than would otherwise be allowable ~~required~~ ~~{filter-loading-rate-exceeds-1-5-gallons-per-minute-per-square-foot-of-filter-surface-area}~~, it shall be applied at a rate of one-half to one and one-half 1-1/2 ounces per square foot of surface area per day, or as needed to extend filter cycles.

- D) Cartridge Filters. A clean extra set of filter cartridges shall be available at the pool.

- 5) Hair and Lint Strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened to avoid drawing air into the pump and losing the prime. In the case of diatomaceous earth filters, the hair strainer basket shall be cleaned immediately prior to precoating ~~during-the-time~~ the filter ~~is-being-backwashed~~.

- 6) Flowmeters. Flowmeters shall be maintained in an accurate operating condition. The glass and the connecting tubes shall be kept clean.

- 7) Vacuum and Pressure Gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.

## 8) Gas Chlorinators

- A) Gas chlorinators shall be repaired only by a person trained in servicing these units. The manager/operator shall post the telephone numbers of ~~determine~~ the appropriate emergency personnel to contact in the event of a chlorine gas emergency, ~~and have the telephone number of--said--personnel conspicuously posted.~~

- B) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. They shall be chained or strapped to a rigid support to prevent accidental tipping. Cylinders shall not be moved unless the protection cap is secured over the valve. A NFPA or MSHA approved gas mask, approved for use in a chlorine atmosphere, shall be kept outside the chlorine room in an unlocked container at all times. The gas mask cannister shall be replaced regularly as per the manufacturer's recommendations.

- C) Chlorinators, gas lines, injectors, vent lines, chlorine and cylinders shall be checked daily for leaks. Chlorine will produce a white smoke in the presence of ammonia. In case of a chlorine leak, corrective measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.

## 9) Gas Mask

- A) A record shall be kept of gas mask usage to insure that--the

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mask-will-be-serviceable-when-needed--The-gas-mask-shall-be kept-in-a-closed-cabinet-accessible-without-a-key--located outside-of-the-room-in-which-the-chlorinator-is-located--and preferably-outside-the-entrance-to-the-equipment-room--

B) A-gas-mask-is--not--intended--to--be--used--as--a--breathing apparatus-during-the-repair-of-a-chlorine-leak-

## 920) Positive Displacement Feeders.

- A) Positive displacement feeders shall be periodically inspected and serviced.
- B) When a chemical feeder is used with calcium hypochlorite solution, to minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used, and in no case shall this concentration exceed five percent. (This-is about 20 pounds of 55% 70% chlorine powder in 50 gallons of water). If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit. C) After first thoroughly rinsing with water, a small amount of mild acid solution may shall be fed through the unit periodically, to dissolve sludge accumulations.

## 1m) Chlorinated Cyanurates. The use of chlorinated cyanurates is subject to the following requirements:

- 1) Superchlorination superchlorination shall be accomplished by using a chlorine product other than a the cyanurate; and
- 2) When when the cyanuric acid level exceeds the maximum permissible limit of 100 200 p.p.m., the pool water must be partially wasted and replenished with fresh water until the cyanuric acid concentration is less than 50 p.p.m.-

## nn) pH Adjustment

- 1) Soda ash or caustic soda may be used to raise the pool water pH.
- 2) Caustic soda shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, must be available for the handling and use of this chemical.
- 3) Sodium bisulfate, carbon dioxide gas or muriatic acid shall be used to lower pool water pH. Carbon dioxide cylinders shall be securely chained or otherwise restrained in a manner that will prevent tipping.
- 4) Hydrochloric (muriatic) acid shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, must be available for handling this chemical.
- 5) The Department shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.

## no) Algae Control

- 1) The development of algae shall be eliminated by superchlorinating to 10 p.p.m. parts-per-million and maintaining

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this level for several hours. The pool shall not be open for use during this treatment. If this superchlorination fails to eliminate the algae, the Department shall be consulted for further advice.

- 2) Treated algae which cling to the floor bottom and sides of the pool must be brushed loose, and removed by the suction cleaner and filtration system.

## op) Miscellaneous Chemicals

- 1) Chemicals shall be kept covered and stored in the original, labeled container, away from flammables and heat and in a clean, dry, well-ventilated place which prevents unauthorized access to the chemicals.
- 2) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions.
- 3) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed 10 parts-per-million (p.p.m.).

## pq) Acoustics. If noise in an indoor pool is excessive, such that safety instructions the lifeguard cannot be heard, corrective action shall be taken by applying suitable and durable sound-absorbing material to the walls and ceilings.

## q) Water slides

- 1) Water slide equipment shall be maintained in a safe condition and securely anchored.
- 2) Only one rider shall be allowed to enter a water slide flume except when designed by the manufacturer for two or more riders.
- 3) When the plunge area is not visible from the top of the slide, a means of communication shall be provided between the attendant at the top and lifeguard at the bottom.
- 4) A sign shall be posted at the top of the slide warning all sliders not to proceed down the slide until the slider in front has passed the start line.

## r) Sanitation-Bring-a-Swimming-Meet

- 1) Officials-in-street-clothing-allowed-on-the-pool-decks-during-a swimming-meet-for-during-clashes)-shall-be-required-to-either replace-street-shoes-with-clean-clogs-or-to-wear-clean-rubber shoes--Spectators-shall-be-controlled-to-minimize-street-shoe traffic-on-pool-decks--and-the-decks-in-such-areas-shall-be disinfected-after-the-swimming-meet-
- 2) A-water-level-higher-than-that-required-by-rule-is-allowed-only during-an-official-swimming-meet-

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.350 Operation Reports and Routine Sampling

- a) Operation Reports. The swimming pool manager/operator shall record



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swimming pool or other pool operational data daily on a report form furnished by the Department, or equivalent that shall be kept at the facility for a minimum of three years for inspection by the Department. A separate report form shall be completed for each pool in a multiple pool complex. The pool operator shall submit the completed operation report to the Department within 10 days after the end of the month. The operator shall keep one copy for his records. Such records shall be open to inspection by the Department at all times. The records shall be kept for one year.

b) Water Quality Testing. Disinfectant residual and pH tests shall be made on samples collected from the shallow section and from the deep areas section of each swimming pool, and from wading pools, plunge pools and other pools at least twice daily. Where chlorine is used as a disinfectant, testing for combined chlorine shall be performed at least weekly. In addition, where chlorinated cyanurates are utilized as a chlorine disinfectant, testing for cyanuric acid concentration shall be performed at least weekly.

c) Where ozone is utilized, testing to determine the ozone concentration immediately above the pool water surface shall be performed monthly.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.360 Patron Personnel Regulations

Rules and Instructions. Rules governing the use of the pool and instructions to patrons bathers shall be displayed on placards provided by the Department, or equivalent, at the entrance to dressing rooms or the pool entrance and shall be enforced by the pool manager/operator. Such posting of rules and other instructions shall provide that:

a) Admission to the pool shall be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, diarrhea, vomiting, carbuncles, better inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, union pads, adhesive tape, rubber bandages, or other bandages of any kind shall also be refused admittance are not to be permitted. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the pool area.

b) The pool water is not suitable for drinking. Avoid swallowing pool water.

cb) Littering is prohibited. In addition, no No food, drink, gum or tobacco is will be allowed in other than specially designated and controlled sections of the pool area. Glass containers are prohibited.

dc) All persons are encouraged will be required to take a shower in the nude with soap and warm water before entering being allowed in the pool area.

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d) Bathers who leave the pool area for any reason are required to shower before returning to the pool.

e) The pool manager or pool facility shall have the authority to adopt requirements which would require swimmers with long hair to wear bathing caps.

ef) Personal conduct within the pool facility must be such that the safety of self and others is not jeopardized. No running, boisterous or rough play, except supervised water sports, is permitted.

fg) Only clean footwear is allowed in the pool area or bathroom. People in street shoes and other spectators are not allowed in the pool on the pool deck, and in the wet areas of the bathroom.

gh) Spitting, spouting of water, blowing the nose or otherwise introducing contaminants into the pool is not permitted.

h) Glass, soap, lotion or other material which might create hazardous conditions or interfere with efficient operation of the swimming pool shall not be permitted in the swimming pool or on the pool deck.

it) All apparel worn in the pool shall be clean.

jl) All children who are not toilet-trained shall wear tightly fitting rubber or plastic pants.

k) Diving in shallow water less than five feet deep is not permitted except when allowed for competitive swimming and training.

l) Caution shall be exercised in the use of diving facilities boards.

m) Swimming is prohibited at outdoor swimming pools when lightning is present, including a 15-minute period after the last lightning observed.

n) Parents or guardians are responsible for supervising their children. Lifeguards are on duty to enforce rules and to respond in the case of emergency.

o) No one should swim alone.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.380 Wading Pools and Spray Pools

a) Aspects of the wading pool operation shall comply with Sections 820.300, 820.310, 820.320, 820.330, 820.340 and 820.350.

b) The spray pool and associated deck areas shall be cleaned daily. Drains shall be kept clear. For spray pools that utilize recirculated water, the water shall be filtered and treated in accordance with Section 820.340, the water quality shall be maintained as specified by Section 820.320, and water quality testing shall be performed as specified by Section 820.350.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 820.390 Refuse Disposal

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- a) General. The equipment provided for the storage, collection, and disposal of refuse produced at a swimming pool or bathing beach shall be such that the creation of conditions detrimental to public health, such as rodent set harborage, insect breeding areas, odors, air pollution and accidents are prevented.
- b) Containers. All refuse shall be stored in water-tight, metal or rigid plastic containers having tight-fitting lids. Containers shall be provided as needed throughout food preparation areas and eating areas to provide for enough collection of trash.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: BATHING BEACH DESIGN AND OPERATION

## Section 820.400 Minimum Sanitary Requirements for Bathing Beaches

- a) Initial Sanitary Survey. Prior to the issuance of a construction permit, the Department shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical, chemical and bacteriological characteristics of the bathing beach area, as well as any potential or actual sources of contamination in the watershed which could affect the beach. The presence of any such sources of contamination shall constitute grounds to deny the permit.

- 1) Physical Quality. The following characteristics shall not be present in the beach area or watershed:

- A) Sludge deposits, solid refuse, floating waste solids, oils, grease or scum.
- B) Hazardous substances being discharged into bathing beach water or watershed.

- 2) Bacteriological Quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:

- A) At least two samples shall be collected from the proposed beach area and additional samples shall be collected from any tributaries as they enter the lake. Fecal coliform bacteria counts of 200 colonies/100 ml or an E. coli density of 126 colonies/100 ml in one or more samples shall require additional investigation, survey, special analysis and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results must be obtained before a construction permit will be issued.

- B) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate watershed.

- 3) Chemical Quality. There shall be no discharges of chemical substances capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.

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## b) Design

- 1) Bather Load. The bather load shall be established at all beaches constructed after May 28, 1997, by the registered engineer or architect who designed the project.

- 2) Beach and Swimming Areas. The wading areas at all beaches shall be separated from swimming and diving areas by lines securely anchored and buoyed. The slope of the bottom of any portion of the beach having a water depth of less than 5 feet shall not exceed 1 foot vertical for 10 feet horizontal. The slope shall be uniform. The bottom of the wading and swimming areas shall consist of sand or gravel. If disinfection or filtration is provided, it must comply with the requirements in Section 820.210.

## 3) Diving Facilities

- A) Where diving facilities are provided, the following minimum water depth must be maintained for a distance of at least 12 feet beyond the end and sides of the platform or board:

Height of Platform or Board Above Water	Minimum Water Depth
0 - 1/2 Meter	9.5 feet
1 Meter	10 feet
3 Meters	12 feet

- B) Handrails, guardrails and steps shall comply with the requirements of Section 820.200.

- 4) Safety Boundaries. The wading area shall be separated from swimming and diving areas by a line securely anchored and buoyed at a water depth of 5 feet or less. The limits of the swimming area shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within such limits of safe swimming, there shall be no boating, underwater obstructions, or other hazards which may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing such markers and stating that they indicate the limits of the swimming area.

- 5) Water Slides and--Sliding--Boards. Slides Water--slides shall comply with Section 820.250 and--sliding-boards--shall-comply-with Section--820-280(f).

- c) Electrical Wiring. All electrical wiring shall be in accordance with the National Electrical Code in effect at the time of construction.

## d) Bathhouses/Toilets

- 1) Requirements for Beaches Established After May 28, 1997 (New) For all new beaches established after May 28, 1997, a bathhouse shall be provided within 300 feet of the shoreline unless the beach is intended to serve only a residential development located around the lake, and 50 or fewer bathers are anticipated to be



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present per day. In such cases, at least one toilet or privy shall be provided within 300 feet of the shoreline. Bathhouses shall be designed in accordance with the requirements of Section 820.220(b) and (c). The bather load to be used to determine the required numbers of fixtures shall be provided by the registered engineer or architect who designed the project.

- 2) Requirements for Beaches Established Before May 28, 1997 (Existing)  
All existing beaches shall comply with the bathroom/toilet facility requirements in effect at the time they were constructed, but at least one toilet or privy must be provided when the number of bathers present per day is 50 or fewer. Two toilets or privies must be provided when the number of bathers present per day is 51 to 100. An additional toilet or privy must be provided for each 100 additional bathers. The maximum number of toilets or privies required is ten. The required toilets or privies must be located within 300 feet of the shoreline.

## e) Bathing Beach Operation

- 1) Samples of bathing beach water shall be taken by the licensee, applicant or manager/operator and submitted to the Department at such times and points as designated by the Department within the area utilized for bathing or swimming purposes. Additional samples shall also be obtained at any critical point subject to possible pollution as determined by a sanitary survey.

- 2) During operation, the following bacteriological water quality results shall warrant the actions described:

- A) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in each of two samples collected on the same day shall require closing the beach. The beach shall not be reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.
- B) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in any single sample of a two sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Department. If either of the two follow-up samples exceeds a fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml, the beach shall be closed and not reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.
- 3) If a sanitary survey determines that there are discharges of sanitary or combined sewers, or of other raw or partially treated sewage, or other hazardous substances to the beach or immediate watershed, or if hazardous materials are found at the beach, the bathing beach shall be closed by written order of the Department.
- 4) Where schistosoma dermatitis (swimmers' itch) is known to exist,

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appropriate measures shall be taken to protect the bathers. Such measures may include posting of warning signs, chemical treatment of the beach or closing the beach. Any chemical treatment shall comply with all federal, State and local requirements, including prior approval of the Department or its agent(s).

- 5) The beach manager/operator shall monitor the water depth around diving facilities and prohibit use of any such facilities which do not comply with the minimum water depth requirements of subsection (b)(3) of this Section.

- 6) For all beaches established after May 28, 1997, the beach manager/operator shall enforce the bather load established in subsection (b)(1) of this Section. Additionally, for all beaches the bather density in water less than 5 feet deep shall not exceed one bather per 25 square feet.

- 7) No swimming shall be permitted after sunset or when lightning is present.

- 8) No pets shall be permitted in the beach area.

- 9) Feeding of wildlife or other actions which encourage their presence is prohibited.

- 10) The beach area shall be kept free of any debris including wastes from waterfowl or other wildlife.

- 11) Leakproof, covered refuse containers shall be provided at convenient locations in the beach area. They shall be emptied when necessary to avoid odors and insect breeding.

- 12) At times when the beach is closed seasonally or during normal hours of operation during the operating season, signs proclaiming the closing of the beach shall be prominently posted at the beach unless an effective barrier to prevent access to the beach area is in place.

- f) Lifeguards shall be provided at bathing beaches which allow bathers under 16 years of age or under to enter the beach without a responsible person 16 1/2 years of age or older present, except when the parent or guardian of each person under 16 1/2 years of age submits written permission to the beach owner or manager/operator allowing such individuals under 16 1/2 years of age to enter the beach or swim without a lifeguard or responsible person 16 1/2 years of age or older present. Lifeguards shall comply with the requirements of Section 820.300(b).

## g) Safety Requirements

- 1) A U.S. Coast Guard approved ring buoy with at least 25 feet of rope shall be available at the beach when bathers are present.
- 2) A telephone shall be available within 500 feet of the beach when bathers are present. The numbers of the local police, fire department, rescue squad and ambulance, and/or 911 numbers shall be posted near the telephone. A portable phone may be used to meet this requirement. The phone may be located in a residence within 500 feet of the beach, provided it will be accessible at all times the beach is in operation. Unless located in the

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immediate beach area; a sign shall be posted indicating the location of the phone.

- 3) All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours and the Department's "Drowning and Injury Report" form shall be completed and submitted within 7 days.

## h) Waiver

- 1) A homeowner's association may apply to the Department for a waiver of the requirements of subsection (d)(2) of this Section by making a written request signed by an officer of the association. The request must contain the following information:

- A) The requirements from which the homeowner's association seeks a waiver;
- B) Certification that a majority of the members of the homeowner's association or a majority of the board of directors representing the homeowner's association agreed to be exempt from the requirements requested. If the application for waiver is based on a decision of the board of directors rather than a majority vote of the members, the waiver request must also indicate that all members of the association were notified in writing of the decision to request a waiver and of the requirements from which the association is requesting a waiver. A copy of the notification to members shall be included with the waiver request;

- C) Certification that the beach normally serves 50 or fewer bathers per day; and

- D) Certification that the use of the beach is intended only for members of the homeowner's association and their guests.

- 2) Upon submission of the waiver application, a waiver shall be granted only if the following conditions are met:

- A) All water samples were submitted during the current or previous year as required by subsection (e)(1) of this Section; and
- B) The closure standards set forth in subsection (e)(2) of this Section were not exceeded during the current or previous year or, if the closure standards were exceeded, the Department or local health department determined that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach.

- 3) A waiver granted by the Department shall be valid indefinitely, except as provided in this subsection subsections (h)(3) and (e) of this Section:

- A) A waiver shall become invalid immediately if the beach is closed due to a violation of the standards set forth in subsection (e)(2) of this Section, unless the Department or local health department determines that the cause of the unsatisfactory water quality was not an absence of toilet

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facilities at the beach;

- B) If the applicant or manager/operator fails to comply with a written order of the Department to submit water samples required by subsection (e)(1), the waiver shall become invalid the date the samples were specified to be submitted;
- C) A waiver shall not apply on any day the homeowner's association anticipates that the number of bathers will exceed 50 (for example, holiday weekends, special events, or parties).

- 4) When a waiver becomes invalid, the required toilet facilities shall be provided before the beach is allowed to operate. If a waiver is invalidated due to the conditions described in subsection (b)(3)(A) or (B), a new waiver application must be filed with and approved by the Department.

- i) The following rules governing the use of the beach shall be displayed on placards provided by the Department at the entrance to bathhouses or other conspicuous locations and shall be enforced by the beach manager/operator.

## REGULATIONS - BEACHES

The following rules govern the use of the beach and shall be enforced by the beach manager/operator.

- 1) The beach water is not suitable for drinking. Avoid swallowing beach water.
- 2) Admission to the beach may be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind may also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the beach area.
- 3) Littering is prohibited. In addition, no food, drink, gum or tobacco is allowed in the water. Glass containers are prohibited throughout the beach area.
- 4) All children who are not toilet-trained infants shall wear tight fitting rubber or plastic pants.
- 5) No one should swim alone.
- 6) Persons under the age of 16 must be accompanied by a responsible person 16 years of age or older unless a lifeguard is present.
- 7) Personal conduct within the beach must be such that safety is not jeopardized.
- 8) Diving in shallow water is not permitted.
- 9) Caution shall be exercised in the use of diving facilities.

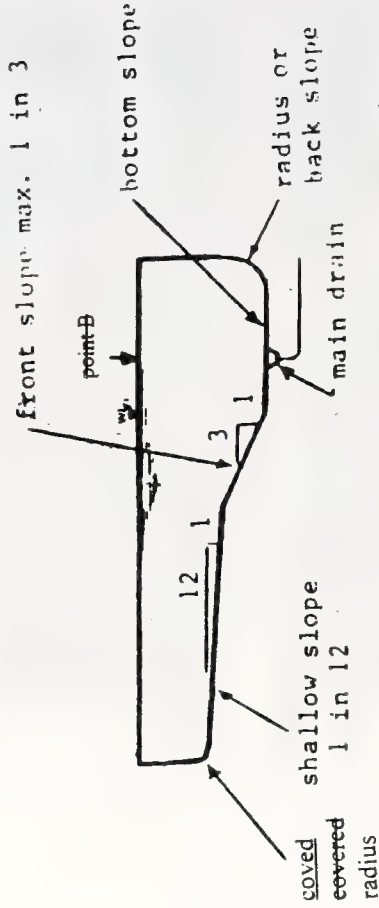


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- 10) Swimming is prohibited after sunset or before sunrise, or when lightning is present, including a 15-minute period after the last lightning observed.
- 11) No pets are permitted in the beach area.
- 12) Feeding of wildlife or other actions that encourage their presence is prohibited.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820 Appendix A Illustrations  
Illustration A Slope of Pool Bottom Floor



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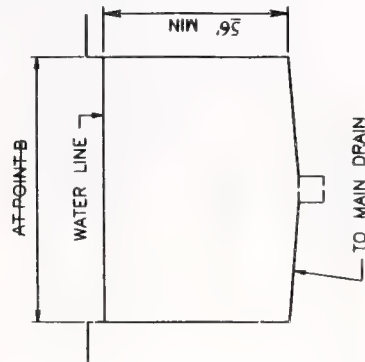
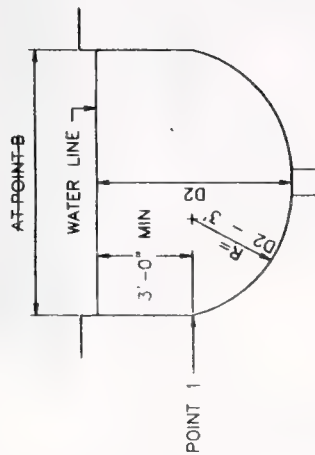
(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820 Appendix A

Illustration B Pool Walls

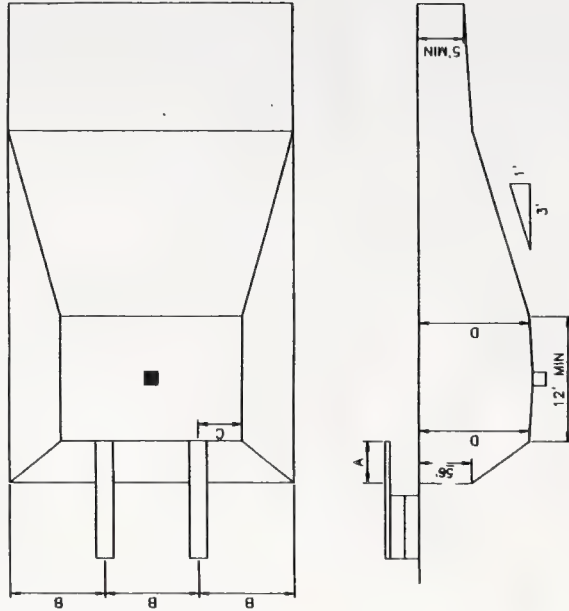




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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820 Appendix A  
Illustration C General Pool Diving Area Dimensions



MINIMUM DISTANCE INDICATED			
A - ENDWALL TO TIP OF BOARD	≤ 0.5 M	1M	3M
B - CENTER OF BOARD TO SIDEWALL OR ADJACENT BOARD	3'	5'	5'
C - CENTER OF BOARD LATERALLY TO POINT OF REQUIRED DEPTH	10'	10'	12'
D - DEPTH AT END OF BOARD AND FOR 12' BEYOND	9.5'	10'	12'

\* AS AN ALTERNATE TO THE MINIMUM WALL DEPTH OF 5' BELOW THE WATER LEVEL, THE WALL MAY BE VERTICAL FOR A DEPTH OF 3' BELOW THE WATER LEVEL, BELOW WHICH IT MAY BE CURVED TO THE BOTTOM WITH A RADIUS EQUAL TO THE DIFFERENCE BETWEEN THE DEPTH AT THE BOTTOM AND THE DEPTH AT THE POINT OF CURVATURE.

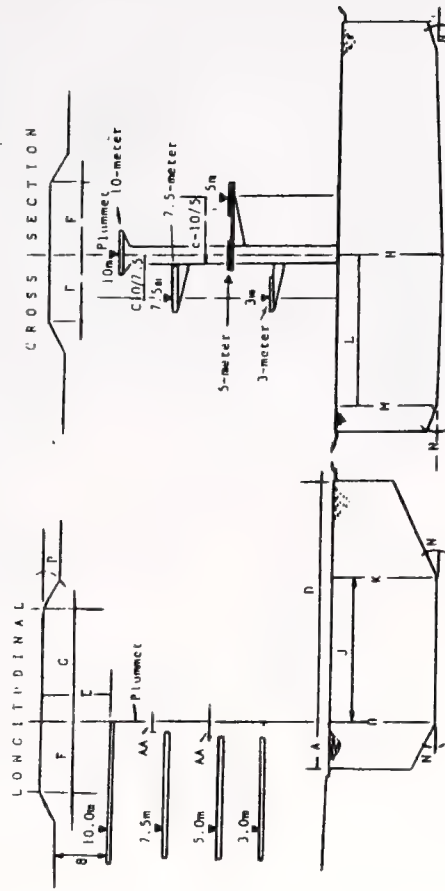
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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820, Appendix A

Illustration D Pools With Diving Facilities in Excess of Three Meters in Height







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(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820, Appendix A  
Illustration F Slide Position (Repealed)

NOTE:

Slides may be straight or curved. -- Center lines of straight portion of slide ends are referenced in this drawing. -- Where the above diagram conflicts with the requirements in Section 820-200(r), Section 820-200(r) shall prevail.

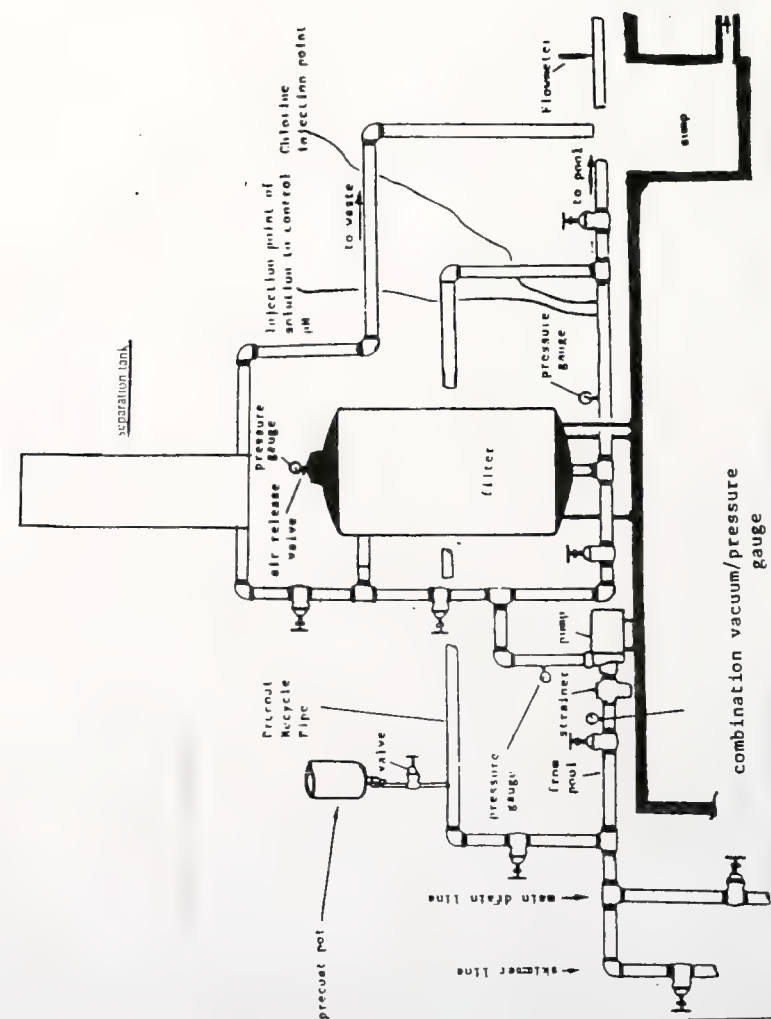


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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820. Appendix A  
Illustration J Installation of a Pressure Diatomaceous Earth Filter System



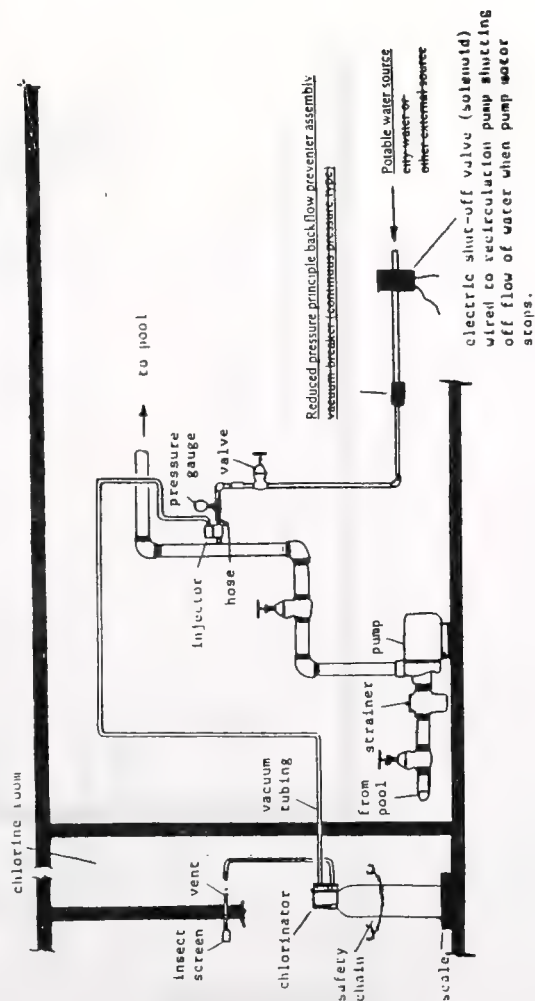
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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820, Appendix A

Illustration M Chlorine Injection into Return Line to Pool Using External Water Source Pressure





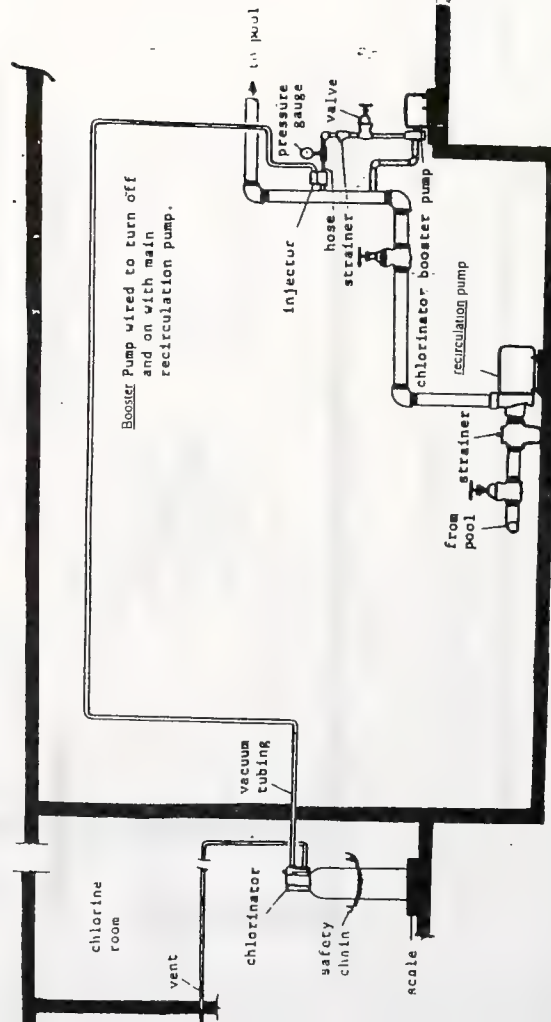
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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820, Appendix A

Illustration N Chlorine Injection into Return Line to Pool Using Booster Pump



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

Section 820.TABLE B Tables

Section 820.TABLE B First Aid Kit Contents

- 2 Units - 3" Bandage Compress
- 2 Units - Eye Dressing Packet
- 2 Units - Triangular Bandages
- 1 Unit - Scissors - Tweezers
- 1 Unit - Adhesive Tape 1"
- 1 Box Band-Aids of Various Sizes
- Antiseptic
- 2 Pairs Latex Gloves
- 1 CPR Barrier Shield

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 820.TABLE C Flows Carried by Inlets

(IN GALLONS PER MINUTES)

Inlet Sizes	5 fps	10 fps	20 fps
3/8"	1.72	3.44	6.89
1/2"	3.06	6.12	12.24
5/8"	4.78	9.56	19.13
3/4"	6.88	13.77	27.55
7/8"	9.37	18.74	37.49
1"	12.24	24.48	48.97
1-1/4"	19.12	38.25	76.53
1-1/2"	27.54	55.08	110.19
2"	48.96	97.91	195.91

\*Orifice Diameter  
(fps) Feet Per Second

46X/3187H

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 820. TABLE D Sizing Swimming Pool Chlorinators and Brominators

(Chlorine dosage is based on a rate of 8 p.p.m. chlorine-dosage-rate for outdoor pools and 3 p.p.m. chlorine-dosage-rate for indoor pools at a 6 hour pool turnover flow rate. Bromine dosage is based on a rate of 15 p.p.m. for outdoor pools and 5 p.p.m. for indoor pools at a 6 hour pool turnover flow rate)

Pool Volume Gallons	lbs/day chlorine gas		gal/day hypochlorinator (calcium hypochlorite powder 65% chlorine - 5% solution)		gal/day hypochlorinator (sodium hypochlorite liquid 10% chlorine - straight)	
	OUTDOOR	INDOOR	OUTDOOR	INDOOR	OUTDOOR	INDOOR
10,000	2.7	1.0	9.8	3.7	3.2	1.2
20,000	5.3	2.0	19.7	7.4	6.4	2.4
30,000	8.0	3.0	29.5	11.1	9.6	3.6
40,000	10.7	4.0	39.4	14.8	12.8	4.8
50,000	13.3	5.0	49.2	18.5	16.0	6.0
60,000	16.0	6.0	59.1	22.2	19.2	7.2
70,000	18.7	7.0	68.9	25.8	22.4	8.4
80,000	21.4	8.0	78.8	29.5	25.6	9.6
90,000	24.0	9.0	88.6	33.2	28.8	10.8
100,000	26.7	10.0	98.5	36.9	32.0	12.0
120,000	32.0	12.0	118.1	44.3	38.4	14.4
140,000	37.4	14.0	137.8	51.7	44.8	16.8
160,000	42.7	16.0	157.5	59.1	51.2	19.2
180,000	48.0	18.0	177.2	66.5	57.6	21.6
200,000	53.4	20.0	196.9	73.8	64.0	24.0
250,000	66.7	25.0	246.1	92.3	80.0	30.0
300,000	80.1	30.0	295.4	110.8	96.0	36.0
350,000	93.4	35.0	344.6	129.2	112.0	42.0
400,000	106.8	40.0	393.8	147.7	128.0	48.0
450,000	120.1	45.0	443.1	166.1	144.0	54.0
500,000	133.4	50.0	492.3	184.6	160.0	60.0
600,000	160.1	60.0	590.7	221.5	192.0	72.0
700,000	186.8	70.0	689.2	258.5	224.0	84.0
800,000	213.5	80.0	787.7	295.4	256.0	96.0
900,000	240.2	90.0	886.1	332.3	288.0	108.0
1,000,000	266.9	100.0	984.6	369.2	320.0	120.0

Pool Volume Gallons	lbs/day Bromine (Bromo-chloro- dimethylhy- dantoin)	
	OUTDOOR	INDOOR

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Pool Volume Gallons	lbs/day chlorine gas		gal/day hypochlorinator (calcium hypochlorite powder 70% chlorine - 5% solution)		gal/day hypochlorinator (sodium hypochlorite liquid 15% chlorine - straight)	
	OUTDOOR	INDOOR	OUTDOOR	INDOOR	OUTDOOR	INDOOR
10,000	2.7	1.0	9.8	3.7	3.2	1.2
20,000	5.3	2.0	19.7	7.4	6.4	2.4
30,000	8.0	3.0	29.5	11.1	9.6	3.6
40,000	10.7	4.0	39.4	14.8	12.8	4.8
50,000	13.3	5.0	49.2	18.5	16.0	6.0
60,000	16.0	6.0	59.1	22.2	19.2	7.2
70,000	18.7	7.0	68.9	25.8	22.4	8.4
80,000	21.4	8.0	78.8	29.5	25.6	9.6
90,000	24.0	9.0	88.6	33.2	28.8	10.8
100,000	26.7	10.0	98.5	36.9	32.0	12.0
120,000	32.0	12.0	118.1	44.3	38.4	14.4
140,000	37.4	14.0	137.8	51.7	44.8	16.8
160,000	42.7	16.0	157.5	59.1	51.2	19.2
180,000	48.0	18.0	177.2	66.5	57.6	21.6
200,000	53.4	20.0	196.9	73.8	64.0	24.0
250,000	66.7	25.0	246.1	92.3	80.0	30.0
300,000	80.1	30.0	295.4	110.8	96.0	36.0
350,000	93.4	35.0	344.6	129.2	112.0	42.0
400,000	106.8	40.0	393.8	147.7	128.0	48.0
450,000	120.1	45.0	443.1	166.1	144.0	54.0
500,000	133.4	50.0	492.3	184.6	160.0	60.0
600,000	160.1	60.0	590.7	221.5	192.0	72.0
700,000	186.8	70.0	689.2	258.5	224.0	84.0
800,000	213.5	80.0	787.7	295.4	256.0	96.0
900,000	240.2	90.0	886.1	332.3	288.0	108.0
1,000,000	266.9	100.0	984.6	369.2	320.0	120.0

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Bather Load	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200	205	210	215	220	225	230	235	240	245	250	255	260	265	270	275	280	285	290	295	300	305	310	315	320	325	330	335	340	345	350	355	360	365	370	375	380	385	390	395	400	405	410	415	420	425	430	435	440	445	450	455	460	465	470	475	480	485	490	495	500	505	510	515	520	525	530	535	540	545	550	555	560	565	570	575	580	585	590	595	600	605	610	615	620	625	630	635	640	645	650	655	660	665	670	675	680	685	690	695	700	705	710	715	720	725	730	735	740	745	750	755	760	765	770	775	780	785	790	795	800	805	810	815	820	825	830	835	840	845	850	855	860	865	870	875	880	885	890	895	900	905	910	915	920	925	930	935	940	945	950	955	960	965	970	975	980	985	990	995	1000	1005	1010	1015	1020	1025	1030	1035	1040	1045	1050	1055	1060	1065	1070	1075	1080	1085	1090	1095	1100	1105	1110	1115	1120	1125	1130	1135	1140	1145	1150	1155	1160	1165	1170	1175	1180	1185	1190	1195	1200	1205	1210	1215	1220	1225	1230	1235	1240	1245	1250	1255	1260	1265	1270	1275	1280	1285	1290	1295	1300	1305	1310	1315	1320	1325	1330	1335	1340	1345	1350	1355	1360	1365	1370	1375	1380	1385	1390	1395	1400	1405	1410	1415	1420	1425	1430	1435	1440	1445	1450	1455	1460	1465	1470	1475	1480	1485	1490	1495	1500	1505	1510	1515	1520	1525	1530	1535	1540	1545	1550	1555	1560	1565	1570	1575	1580	1585	1590	1595	1600	1605	1610	1615	1620	1625	1630	1635	1640	1645	1650	1655	1660	1665	1670	1675	1680	1685	1690	1695	1700	1705	1710	1715	1720	1725	1730	1735	1740	1745	1750	1755	1760	1765	1770	1775	1780	1785	1790	1795	1800	1805	1810	1815	1820	1825	1830	1835	1840	1845	1850	1855	1860	1865	1870	1875	1880	1885	1890	1895	1900	1905	1910	1915	1920	1925	1930	1935	1940	1945	1950	1955	1960	1965	1970	1975	1980	1985	1990	1995	2000	2005	2010	2015	2020	2025	2030	2035	2040	2045	2050	2055	2060	2065	2070	2075	2080	2085	2090	2095	2100	2105	2110	2115	2120	2125	2130	2135	2140	2145	2150	2155	2160	2165	2170	2175	2180	2185	2190	2195	2200	2205	2210	2215	2220	2225	2230	2235	2240	2245	2250	2255	2260	2265	2270	2275	2280	2285	2290	2295	2300	2305	2310	2315	2320	2325	2330	2335	2340	2345	2350	2355	2360	2365	2370	2375	2380	2385	2390	2395	2400	2405	2410	2415	2420	2425	2430	2435	2440	2445	2450	2455	2460	2465	2470	2475	2480	2485	2490	2495	2500	2505	2510	2515	2520	2525	2530	2535	2540	2545	2550	2555	2560	2565	2570	2575	2580	2585	2590	2595	2600	2605	2610	2615	2620	2625	2630	2635	2640	2645	2650	2655	2660	2665	2670	2675	2680	2685	2690	2695	2700	2705	2710	2715	2720	2725	2730	2735	2740	2745	2750	2755	2760	2765	2770	2775	2780	2785	2790	2795	2800	2805	2810	2815	2820	2825	2830	2835	2840	2845	2850	2855	2860	2865	2870	2875	2880	2885	2890	2895	2900	2905	2910	2915	2920	2925	2930	2935	2940	2945	2950	2955	2960	2965	2970	2975	2980	2985	2990	2995	3000	3005	3010	3015	3020	3025	3030	3035	3040	3045	3050	3055	3060	3065	3070	3075	3080	3085	3090	3095	3100	3105	3110	3115	3120	3125	3130	3135	3140	3145	3150	3155	3160	3165	3170	3175	3180	3185	3190	3195	3200	3205	3210	3215	3220	3225	3230	3235	3240	3245	3250	3255	3260	3265	3270	3275	3280	3285	3290	3295	3300	3305	3310	3315	3320	3325	3330	3335	3340	3345	3350	3355	3360	3365	3370	3375	3380	3385	3390	3395	3400	3405	3410	3415	3420	3425	3430	3435	3440	3445	3450	3455	3460	3465	3470	3475	3480	3485	3490	3495	3500	3505	3510	3515	3520	3525	3530	3535	3540	3545	3550	3555	3560	3565	3570	3575	3580	3585	3590	3595	3600	3605	3610	3615	3620	3625	3630	3635	3640	3645	3650	3655	3660	3665	3670	3675	3680	3685	3690	3695	3700	3705	3710	3715	3720	3725	3730	3735	3740	3745	3750	3755	3760	3765	3770	3775	3780	3785	3790	3795	3800	3805	3810	3815	3820	3825	3830	3835	3840	3845	3850	3855	3860	3865	3870	3875	3880	3885	3890	3895	3900	3905	3910	3915	3920	3925	3930	3935	3940	3945	3950	3955	3960	3965	3970	3975	3980	3985	3990	3995	4000	4005	4010	4015	4020	4025	4030	4035	4040	4045	4050	4055	4060	4065	4070	4075	4080	4085	4090	4095	4100	4105	4110	4115	4120	4125	4130	4135	4140	4145	4150	4155	4160	4165	4170	4175	4180	4185	4190	4195	4200	4205	4210	4215	4220	4225	4230	4235	4240	4245	4250	4255	4260	4265	4270	4275	4280	4285	4290	4295	4300	4305	4310	4315	4320	4325	4330	4335	4340	4345	4350	4355	4360	4365	4370	4375	4380	4385	4390	4395	4400	4405	4410	4415	4420	4425	4430	4435	4440	4445	4450	4455	4460	4465	4470	4475	4480	4485	4490	4495	4500	4505	4510	4515	4520	4525	4530	4535	4540	4545	4550	4555	4560	4565	4570	4575	4580	4585	4590	4595	4600	4605	4610	4615	4620	4625	4630	4635	4640	4645	4650	4655	4660	4665	4670	4675	4680	4685	4690	4695	4700	4705	4710	4715	4720	4725	4730	4735	4740	4745	4750	4755	4760	4765	4770	4775	4780	4785	4790	4795	4800	4805	4810	4815	4820	4825	4830	4835	4840	4845	4850	4855	4860	4865	4870	4875	4880	4885	4890	4895	4900	4905	4910	4915	4920	4925	4930	4935	4940	4945	4950	4955	4960	4965	4970	4975	4980	4985	4990	4995	5000	5005	5010	5015	5020	5025	5030	5035	5040	5045	5050	5055	5060	5065	5070	5075	5080	5085	5090	5095	5100	5105	5110	5115	5120	5125	5130	5135	5140	5145	5150	5155	5160	5165	5170	5175	5180	5185	5190	5195	5200	5205	5210	5215	5220	52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ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Uniform System of Accounts for Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 415
- 3) Section Numbers:      Adopted Action:  
415.10                      Amendment  
415.20                      Repealed
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
- 5) Effective Date of Amendments: February 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office in Springfield and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 11, 1998, at 22 Ill. Reg. 16091
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable. No changes required.
- 13) Will these amendments replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments update the Commission's incorporation by reference of federal rules. 18 CFR 101 as of April 1, 1998 includes changes adopted by the Federal Energy Regulatory Commission in its Order No. 598 issued February 5, 1998 to be effective March 13, 1998. Order No. 598 amended 18 CFR 101 to change the requirements for property units listings. The Order requires the utilities to maintain a written listing of units of property and to apply the listing consistently. The Order allows the utilities to have the opportunity to identify and maintain their own property listings that are up-to-date and more in harmony with the needs of their businesses. In

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

allowing the utilities to maintain their own listing of units of property, 18 CFR 116, Units of Property for Use in Accounting for Additions and Retirements of Electric Plant, was eliminated.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield IL 62794-9280  
217/785-3922

The full text of the adopted amendments begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER C: ELECTRIC UTILITIES

## PART 415

## UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIES

## SUBPART A: GENERAL PROVISIONS AND ADOPTION OF

## CFR PROVISIONS BY REFERENCE

## Section

415.200 Adoption of 18 CFR 101 by Reference  
415.10 Adoption of 18 CFR 116 by Reference (Repealed)  
415.20

## SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

## Section

415.200 Definitions  
415.210 General Instruction 1  
415.250 General Instruction 5  
415.270 General Instruction 7 (Repealed)  
415.280 General Instruction 7.1 (Repealed)  
415.330 General Instruction 12 (Repealed)  
415.340 General Instruction 13  
415.380 General Instruction 17  
415.390 General Instruction 18  
415.410 General Instruction 20  
415.411 General Instruction 21  
415.420 Electric Plant Instruction 2 (Repealed)  
415.430 Electric Plant Instruction 3  
415.450 Electric Plant Instruction 5 (Repealed)  
415.470 Electric Plant Instruction 7  
415.500 Electric Plant Instruction 10  
415.940 Income Chart of Accounts  
415.970 Operation and Maintenance Expense Chart of Accounts  
415.1020 Account 102 (Repealed)  
415.1050 Account 105  
415.1080 Account 108 (Repealed)  
415.2010 Accounts 201, 202, 203, and 204  
415.2070 Account 207  
415.2110 Account 211  
415.2140 Account 214  
415.4118 Account 411.8  
415.4119 Account 411.9  
415.4160 Account 416  
415.4261 Account 426.1  
415.4390 Account 439  
415.5180 Account 518

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

415.9140 Accounts 914 and 915  
415.9302 Account 930.2

## APPENDIX G Operation and Maintenance Expense Accounts

## EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103 and 10-101].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 160, effective January 1, 1984; amended at 9 Ill. Reg. 4016, effective April 1, 1985; amended at 9 Ill. Reg. 13079, effective August 15, 1985; amended at 12 Ill. Reg. 11710, effective July 15, 1988; amended at 18 Ill. Reg. 10692, effective July 1, 1994; amended at 18 Ill. Reg. 17996, effective December 15, 1994; amended at 22 Ill. Reg. 6647, effective April 1, 1998; amended at 23 Ill. Reg. 1346, effective FEB 1 1999.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF  
CFR PROVISIONS BY REFERENCE

## Section 415.10 Adoption of 18 CFR 101 by Reference

The Illinois Commerce Commission ("Commission") adopts 18 CFR 101, as of April 1, 1998 February 1, 1999, as its uniform system of accounts for electric utilities, subject to the exceptions set forth in Section 415.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 23 Ill. Reg. 1346, effective FEB 1 1999)

## Section 415.20 Adoption of 18 CFR 116 by Reference (Repealed)

The Illinois Commerce Commission adopts 18 CFR 116, as of February 1, 1997, as its prescription of units of property for use in accounting for additions to and retirements of electric plant. No incorporation in this Part includes any later amendment or edition.

(Source: Repealed at 23 Ill. Reg. 1346, effective FEB 1 1999)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Uniform System of Accounts for Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 505
- 3) Section Numbers: Adopted Action:  
505.10 Amendment  
505.20 Repealed
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
- 5) Effective Date of Amendments: February 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office in Springfield and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:  
September 11, 1998, at 22 Ill. Reg. 16095

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.

13) Will these amendments replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

This rulemaking updates the Commission's incorporation by reference of federal rules. 18 CFR 201 as of April 1, 1998 includes changes adopted by the Federal Energy Regulatory Commission in its Order No. 598 issued February 5, 1998 to be effective March 13, 1998. Order No. 598 amended 18 CFR 201 to change the requirements for property units listings. The Order requires the utilities to maintain a written listing of units of property and to apply the listing consistently. The Order allows the utilities to have the opportunity to identify and maintain their own property listings that are up-to-date and more in harmony with the needs of their

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

businesses. In allowing the utilities to maintain their own listing of units of property, 18 CFR 216, Units of Property for Use in Accounting for Additions and Retirements of Gas Plant, was eliminated.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield IL 62794-9280  
(217)785-3922

The full text of the adopted amendments begins on the next page:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER 1: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

## PART 505

## UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF  
CFR PROVISIONS BY REFERENCE

## Section

505.10 Adoption of 18 CFR 201 by Reference

505.20 Adoption of 18 CFR 216 by Reference (Repealed)

## SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

## Section

505.200 Definitions

505.210 General Instruction 1

505.250 General Instruction 5

505.270 General Instruction 7 (Repealed)

505.280 General Instruction 7.1 (Repealed)

505.330 General Instruction 12

505.340 General Instruction 13

505.370 General Instruction 16

505.380 General Instruction 17

505.390 General Instruction 18

505.410 General Instruction 20

505.420 Gas Plant Instruction 2 (Repealed)

505.430 Gas Plant Instruction 3

505.450 Gas Plant Instruction 5 (Repealed)

505.470 Gas Plant Instruction 7

505.500 Gas Plant Instruction 10

505.550 Gas Plant Instruction 15

505.900 Balance Sheet Chart of Accounts

505.940 Income Chart of Accounts

505.970 Operation and Maintenance Expense Chart of Accounts

505.1020 Account 102 (Repealed)

505.1030 Account 103

505.1050 Account 105

505.1051 Account 105.1

505.1080 Account 108 (Repealed)

505.1170 Account 117

505.1641 Account 164.1

505.1642 Account 164.2

505.1643 Account 164.3

505.1660 Account 166

505.1740 Account 174

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

505.2010 Accounts 201, 202, 203, and 204

505.2070 Account 207

505.2110 Account 211

505.2140 Account 214

505.2420 Account 242

505.3523 Account 352.3

505.4090 Account 409 (Reserved) (Repealed)

505.4160 Account 416

505.4261 Account 426.1

505.4390 Account 439

505.4810 Account 481

505.4910 Account 491

505.4950 Account 495

505.8050 Account 805

505.8060 Account 806

505.8081 Account 808.1

505.8082 Account 808.2

505.8130 Account 813

505.8230 Account 823

505.8456 Account 845.6

505.8540 Account 854

505.8580 Account 858

505.9140 Accounts 914 and 915

505.9302 Account 930.2

## APPENDIX G Operation and Maintenance Expense Accounts

## EXHIBIT A Accounts 914 and 915

**AUTHORITY:** Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].

**SOURCE:** Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 177, effective January 1, 1984; amended at 9 Ill. Reg. 4022, effective April 1, 1985; amended at 9 Ill. Reg. 13083, effective August 15, 1985; amended at 13 Ill. Reg. 10858, effective July 1, 1989; amended at 14 Ill. Reg. 1605, effective January 16, 1990; amended at 18 Ill. Reg. 10701, effective July 1, 1994; amended at 22 Ill. Reg. 9543, effective June 1, 1998; amended at 23 Ill. Reg. ~~1350~~ **1350** effective ~~Feb. 1, 1999~~.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF  
CFR PROVISIONS BY REFERENCE

## Section 505.10 Adoption of 18 CFR 201 by Reference

The Illinois Commerce Commission adopts 18 CFR 201, as of April 1, 1998 February 17, 1997, as its uniform system of accounts for gas utilities, subject to the exceptions set forth in Subpart B of this Part. No incorporation in this Part includes any later amendment or edition.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 1350, effective FEB 1 1996)

## Section 505.20 Adoption of 18 CFR 216 by Reference (Repealed)

~~The Illinois Commerce Commission adopts 18 CFR 216, as of February 11, 1997, as its prescription of units of property for use in accounting for additions to and retirements of gas plant. No incorporation of 18 CFR 216 in this Part includes any later amendment or edition.~~

(Source: Repealed at 23 Ill. Reg. 1350, effective FEB 1 1996)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Multifamily Rental Housing Mortgage Loan Program
- 2) Code Citation: 47 Ill. Adm. Code 310
- 3) Section Numbers:

310.103	<u>Amendment</u>
310.403	<u>Amendment</u>
310.802	<u>Amendment</u>
310.803	<u>Amendment</u>
- 4) Statutory Authority: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3805].
- 5) Effective date of Amendment: January 15, 1999
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this amendment contain incorporations by reference: No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: July 31, 1998, 22 Ill Reg 14081.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Pursuant to First Notice and Second Notice Changes, the Authority made a series of technical and grammatical corrections throughout the rulemaking. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: A change in the definitions of the titles of two officers of the Authority, and a reduction in the amount of time that occupancy restrictions on certain developments must remain in place if an owner of such a development is granted an increase in its equity in the development and an increased rate of return on its equity.
- 16) Information and questions regarding these adopted amendments shall be directed to:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

Richard B. Muller, Esq.  
401 N. Michigan Ave., Suite 900  
Chicago, Illinois 60611  
312/836-5327

The full text of this adopted amendment begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 310

## MULTIFAMILY RENTAL HOUSING MORTGAGE LOAN PROGRAM

## SUBPART A: GENERAL RULES

Section	Authority
310.101	Purpose and Objectives
310.102	Definitions
310.103	Borrowing by the Authority
310.104	Compliance with Federal Law
310.105	Standards
310.106	Forms and Procedures for the Program
310.107	Fees and Charges of the Authority
310.108	Waiver (Repealed)
310.109	Amendment
310.110	Severability
310.111	Gender and Number
310.112	Titles and Captions
310.113	Calendar Days
310.114	

## SUBPART B: NOTICE OF PROPOSED DEVELOPMENTS

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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AUTHORITY: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3805].

SOURCE: Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. 14675, effective September 13, 1985; amended at 9 Ill. Reg. 16848, effective October 21, 1985; amended at 10 Ill. Reg. 13657, effective August 4, 1986; amended at 10 Ill. Reg. 13987, effective August 11, 1986; amended at 14 Ill. Reg. 683, effective December 27, 1989; amended at 16 Ill. Reg. 10248, effective June 16, 1992; emergency amendment at 17 Ill. Reg. 13805, effective August 10, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1939, effective January 21, 1994; amended at 22 Ill. Reg. 3854, effective February 4, 1998; amended at 23 Ill. Reg. 1355, effective

JAN 15 1999

SUBPART A: GENERAL RULES

Section 310.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805] ~~from time to time to finance the Program.~~

"Authority": The Illinois Housing Development Authority.

"Bonds": Bonds issued by the Authority from time to time to finance the Program.

"Builders'/Sponsors' Profit and Risk Allowance" ("BSPRA"): The allowance given to an Owner against the Equity requirements for a Mortgage Loan. BSPRA shall not exceed an amount equal to ten percent (10%) of the total estimated replacement cost of a Development (see Section 310.401).

"Chairman": The Chairman of the Authority.

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"Change Order": Any written order evidencing a change in construction plans, specifications, or a contractor's work which is executed by an Owner and general contractor and approved by the Authority in writing.

"Clearinghouse": A State, regional, or metropolitan agency designated by the Governor or the Authority or established by State statute to provide notice to appropriate State and local agencies of proposed Developments and to review such Developments.

"Commercial Tenant": Any entity leasing commercial facilities in a Development.

"Construction Completion Date": The date that construction of a Development is substantially completed, as approved by the Authority in writing.

"Cost Certification Cutoff Date": The last day of the month in which the Construction Completion Date falls.

"Cumulation Date": The date from which an Owner's right to make Distributions shall begin cumulating, which shall be the Initial Closing Date.

"Cumulative Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution unpaid but cumulated by an Owner in a prior fiscal year.

"Current Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution earned in a current fiscal year.

"Deputy Director": The Deputy Executive Director of the Authority.

"Development": The Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Development Funds": All cash, rent subsidies, gross Development income, bank accounts, certificates of deposit, trust funds, reserves, escrows, accounts receivable, and other such assets of a Development.

"Director": The Executive Director of the Authority.

"Distribution": Any withdrawal or taking of cash from Surplus Cash and/or Residual Receipts, including segregation of cash for subsequent withdrawal, for payment to or on behalf of an Owner pursuant to the Authority's written authorization of such Distribution.

"Eligible Mortgagor": Any Limited-Profit Entity or Nonprofit

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Corporation or any Illinois land trust the beneficiary of which is a Limited-Profit Entity or Nonprofit Corporation, but only if such Mortgagor's ownership of the Development (including any partnership interest or stock ownership interest in such Mortgagor), or such beneficiary's interest in such Illinois land trust (including the ownership of any partnership interest or stock ownership interest in such beneficiary), shall not cause any Tax-exempt Bonds used to finance the Development to become taxable for federal income tax purposes and the organizational documents of such Mortgagor or such beneficiary referred to in Section 310.303 of this Part at all times are in compliance with the requirements of Section 310.303.

"Equity": The difference between the amount of a Mortgage Loan and the total cost of a Development except as otherwise provided for in Section 310.403(f) below.

"Final Closing Date": The date on which the Authority issues its final closing memorandum.

"Initial Closing Date": The date on which the Authority issues its initial closing memorandum.

"Limited-Profit Entity": Any individual, joint venture, partnership, limited partnership, trust, or corporation organized or existing under the laws of the State of Illinois or authorized to do business in the State and having articles of incorporation or comparable documents of organization or a written agreement with the Authority which, in addition to meeting other requirements of law, meets the requirements of the Act.

"Members": The Members of the Authority.

"Mortgage": The mortgage or other instrument in the nature of a mortgage, together with any supplements thereto and amendments or modifications thereof, executed as security for a Mortgage Loan.

"Mortgage Loan": The loan from the Authority to a Mortgagor to be used for the acquisition of the Real Estate and for the planning, construction, rehabilitation, development, completion or financing of a Development.

"Mortgage Note": The document executed as evidence of a Mortgagor's indebtedness under a Mortgage Loan and any supplements thereto and modifications or amendments thereof.

"Mortgagor": The Limited-Profit Entity, Nonprofit Corporation, or Trustee holding title to a Development.

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"Nonprofit Corporation": A nonprofit corporation incorporated pursuant to the provisions of the Illinois General Not-for-Profit Corporation Act or the State Housing Act of 1932 and having articles of incorporation which, in addition to meeting other requirements of law, meet the requirements of the Act.

"Notes": The Notes issued by the Authority from time to time to finance the Program.

"Owner": The Limited-Profit Entity or Nonprofit Corporation holding title to Real Estate or a Development or, when the Real Estate or the Development is held in an Illinois land trust, the Limited-Profit Entity or Nonprofit Corporation owning the beneficial interest in a Trust. Under no circumstances shall "Owner" mean the Authority or a Trustee.

"Program": The Authority's multifamily rental housing mortgage loan program.

"Real Estate": The real property upon which a Development is to be or has been constructed.

"Residual Receipts": Any cash remaining at the end of an annual fiscal period after the Authority, if applicable, deducts from Surplus Cash the amount of all Distributions.

"Rules": The Rules and Regulations of the Authority as supplemented and amended from time to time, including, without limitation, this Part.

"Staff": The Director and Deputy Director and the employees of the Authority.

"State": The State of Illinois.

"Surplus Cash": That part of gross Development income remaining at the end of a fiscal year after Development Funds, if applicable, have been disbursed in accordance with established priorities.

"Tenant": The person or family leasing a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust of which an Owner is the sole beneficiary and which holds legal title to a Development.

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"Trustee": The Trustee of an Illinois land trust holding legal title to a Development.

(Source: Amended at 23 Ill. Reg. 1355, effective JAN 15 1999)

## SUBPART D: MORTGAGE LOAN

## Section 310.403 Equity and Distributions

- a) Right to Distributions. As provided in the Act, an Owner shall have the right, commencing as provided in subsection (b) of this Section, to make annual Distributions in an amount not to exceed ~~six-percent--t~~ 6% of its Equity in a Development except as otherwise provided pursuant to Sections 310.801 through 310.805 inclusive, except that if a Distribution cannot be made as provided in subsections (c) and (d) of this Section, an Owner may cumulate the right to make a Distribution. In partial fiscal years following the Cumulation Date, the amount of a Distribution shall be cumulated pro rata.
- b) Cumulation Date. An Owner's right to a Distribution shall begin to cumulate on the Initial Closing Date, which shall also be known as the Cumulation Date.
- c) Source of Distributions. An Owner may make Current and Cumulative Distributions out of Surplus Cash and/or Residual Receipts. If Surplus Cash or Residual Receipts are unavailable in a given fiscal year, an Owner shall make no Current Distribution, but the right to make such Distribution shall cumulate. If Surplus Cash and/or Residual Receipts are insufficient in a given fiscal year to make a Distribution in an amount equal to ~~six--percent--t~~ 6%, or as otherwise permitted in Sections 310.801 through 310.805 inclusive, of an Owner's Equity in a Development, an Owner may distribute all available Surplus Cash and/or Residual Receipts and cumulate the right to make the rest of the Distribution in future years when and if Surplus Cash and/or Residual Receipts are available.
- d) Timing of Distributions. No Distribution shall be made until after the Final Closing Date, even if such date is later than the Cumulation Date. Even if Surplus Cash and/or Residual Receipts are available, the initial and all subsequent Distributions, including Cumulative Distributions, may be made only after the Authority has approved the Development's annual financial report (see Section 310.306); the Development has an approved Development budget for the next fiscal year; the Owner has complied with all outstanding notices of requirements for proper maintenance and operation of the Development; the Owner has cured any defaults or breaches of applicable Authority Rules, contracts and agreements; and the Authority has issued its written authorization of such Distribution.
- e) Amount of Equity. As required by the Act, the Authority shall establish an Owner's Equity in a Development at the time of making the



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final Mortgage Loan advance. In no event shall the amount of such Equity be calculated to include any grants or other funds not originating with the Owner. Once established by the Authority, the amount of an Owner's Equity shall remain constant so long as the Mortgage Note and Mortgage are outstanding on the Development unless adjusted by resolution of the Members based on the criteria set forth in subsection Subsection-310-403(f) below.

## f) Increase in Amount of Equity.

- 1) If an Owner agrees either to preserve the Development as affordable to persons and families of low and moderate income for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted) to the full-term-of-the-Mortgage-term or create additional units of housing affordable to persons or families of low and moderate income, the Authority, by resolution of its Members, may increase Owner's Equity to an amount not to exceed the difference between the unpaid balance of the Mortgage Loan and the Development's appraised value at the time of the request by the Owner for an Equity increase. The appraisal shall be based on the Development's highest and best use and be conducted by an appraiser acceptable to the Authority. For purposes of the increase in Owner's Equity, the Development's appraised value may be updated by the Owner no more frequently than every five years after an increase is granted under this subsection (f) and the amount of Owner's Equity may be adjusted to reflect the updated appraisal. The cost of the appraisal shall not be a Development expense.

## 2) It shall be a condition of the Authority increasing Owner's Equity that:

- A) the Authority give its prior written consent to any increase in the rental charges for the Development; and
  - B) the Authority determine, in its sole discretion, that:
    - i) the Reserve Fund for Replacements is sufficient to pay the costs set forth in Section 310.405 below for the subsequent five years; and
    - ii) the amount needed to complete any deferred maintenance on the Development is less than one year's funding requirement for the Reserve Fund for Replacements.
- 3) The Authority shall require the Owner to execute an agreement evidencing the increase in Equity and containing the Owner's agreement either to preserve the Development as affordable for low and moderate income for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted) to the full-term-of-the-Mortgage or create additional units of housing affordable to persons or families of low and moderate income.

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- 4) Any increase in Owner's Equity approved pursuant to this Section shall conform with any relevant federal statutes, rules or regulations.

(Source: Amended at 23 Ill. Reg. 1355, effective JAN 15 1990)

## SUBPART H: RATE OF RETURN ON EQUITY FOR LIMITED-PROFIT ENTITIES

## Section 310.802 Developments Eligible for Increased Rate of Return

- a) Any Development for which the Authority has issued a conditional commitment letter effective on or after August 9, 1984 is eligible for the establishment of an alternate basic rate of return in excess of 6% if, either:
  - 1) the Director or, in his absence, the Deputy Director determines it to be necessary in order to attract private enterprise to construct, rehabilitate, operate and maintain housing for low and moderate income persons. The standard or test for determining whether a higher rate of return is necessary is but for the higher rate of return private enterprise would be unable to acquire, construct, rehabilitate, operate and maintain housing for low and moderate income persons. In making this determination, the Director or, in his absence, the Deputy Director shall consider but not be limited to the competing market interest rates, the alternative lending sources, financial projections based upon anticipated rents, debt service, utilities, taxes and other expenses and the comparative severity of the housing needs; or
  - 2) the Authority determines, pursuant to resolution of its Members, that an increase in the basic rate of return is necessary to preserve the Development as affordable for persons or families of low and moderate income or that the increase provides for the creation of additional units of housing affordable to persons or families of low and moderate income in the Development or otherwise in the State. It shall be a condition to an increase in the basic rate of return pursuant to this subsection Subsection-310-802(a)(2) that:
    - A) the Authority give its prior written consent to any increase in the rental charges for the Development, and
    - B) the Authority determine, in its sole discretion, that:
      - i) the Reserve Fund for Replacements is sufficient to pay the costs set forth in Section 310.405 above for the subsequent five years, and
      - ii) the amount needed to complete any deferred maintenance on the Development is less than one year's funding requirement for the Reserve Fund for Replacements.

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- b) If the Authority makes a determination pursuant to subsection ~~Subsection--310-802(a)(ii)~~ above, then, prior to the Authority increasing the basic rate of return, the Authority shall require that the Owner execute an agreement evidencing the increase in the basic rate of return and containing the Owner's agreement either to preserve the Development as affordable for persons or families of low and moderate income for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted) ~~the full-term-of-the-Mortgage-Loan~~ or increase the number of units affordable to persons or families of low and moderate income.
- c) Any increase in the basic rate of return approved pursuant to this Section shall conform with any relevant federal statutes, rules or regulations.

(Source: Amended at 23 Ill. Reg. 1355, effective JAN 15 1990)

## Section 310.803 Retroactive Adjustments

- a) Developments for which the Authority has issued a conditional commitment letter effective prior to August 9, 1984 are not eligible for an alternate basic rate of return in excess of 6%, unless:
- 1) the Development is a troubled Development as determined by the Director or, in his absence, the Deputy Director. A "troubled Development" for purposes of this Section is one for which a delinquency of more than 60 ~~sixty~~ days exists for replacement payments, tax and insurance reserve, or principal or interest as determined by the Director or, in his absence, the Deputy Director, to encourage a new Owner to acquire the Development, or to encourage an existing Owner to invest monies into the Development, or to assist an existing Owner to meet its financial obligations. In regard to the delinquencies, it shall be established to the satisfaction of the Director or, in his absence, the Deputy Director, that the increase in the rate of return is essential for the Developments to meet these delinquency obligations. The standard to be applied shall be that but for the increased rate of return the Development would not be able to make these past due payments current. In making the determination whether one or more delinquencies exist, the Director or, in his absence, the Deputy Director shall consider, but not be limited to, an examination of all books and records the Authority has in regard to the delinquencies as well as all documentation submitted by or on behalf of the Development, and anticipated rents, debt service, utilities, taxes and other expenses of the Development; or
- 2) the Authority determines, pursuant to resolution of its Members,

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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that an increase in the basic rate of return is necessary to preserve the Development as affordable for persons or families of low and moderate income or that the increase provides for the creation of additional units of housing affordable to persons or families of low and moderate income in the Development or otherwise in the State. It shall be a condition to an increase in the basic rate of return pursuant to this subsection that:

- A) the Authority give its prior written consent to any increase in the rental charges of the Development; and
- B) the Authority determine, in its sole discretion, that:
- i) the Reserve Fund for Replacements is sufficient to pay the costs set forth in Section 310.405 above for the subsequent five years, and
- ii) the amount needed to complete any deferred maintenance on the Development is less than one year's funding requirement for the Reserve Fund for Replacements.
- b) In regard to an alternate basic rate of return to encourage a new Owner to acquire the Development, it shall be established to the satisfaction of the Director or, in his absence, the Deputy Director but for the increase in the rate of return, a new Owner could not be found to acquire the Development. In making this determination the Director or, in his absence, the Deputy Director shall consider but not be limited to competing market interest rates, alternative lending sources, financial projections based upon anticipated rents, debt service, utilities, taxes and other expenses and the comparative severity of the housing needs.

- c) If the Authority makes the determination pursuant to subsection ~~Subsection-310-803(a)(2)~~ above, the Authority, prior to increasing the basic rate of return pursuant to subsection ~~Subsection-310-803(a)(2)~~ above, shall require that the Owner execute an agreement evidencing the increase in the rate of return and containing the Owner's agreement either to preserve the Development as affordable for persons or families of low and moderate income for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted) ~~the full-term-of-the-Mortgage-Loan~~ or to increase the number of units affordable to persons or families of low and moderate income.

- d) Any increase in the basic rate of return approved pursuant to this Section shall conform with any relevant federal statutes, rules or regulations.

(Source: Amended JAN 15 1990 23 Ill. Reg. 1355, effective JAN 15 1990)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Section Numbers:

553.35	Amendment
553.80	Amendment
553.90	Amendment
553.100	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Amendments: January 14, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 4, 1998, 22 Ill. Reg. 15881
- 10) Has JCAR Issued a Statement of Objections to these Amendments? No
- 11) Difference(s) between proposal and final version: In Section 553.35(a), and Section 553.35(b)(1), the word "ineligible" was changed to "INS".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): The rulemaking amends sections of this Part in response to changes in the federal regulations that impact the use of extended evaluation for customers of the VR program. These revisions clarify for customers and staff the situations in which these services need to be offered and the possible outcomes for the customers after undergoing an extended evaluation.
- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

## DEPARTMENT OF HUMAN SERVICES

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Ms. Susan Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor, Harris Bldg.  
 Springfield, Illinois 62762  
 Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553  
ASSESSMENT FOR DETERMINING ELIGIBILITY AND  
REHABILITATION NEEDS

Section	General Applicability
553.10	Basis for the Determination of Eligibility
553.20	Presumption of Benefit from Vocational Rehabilitation Services
553.30	Services to Non-United States Citizens
553.35	Eligibility Determination Time Frames
553.40	Outcome of the Eligibility Determination
553.50	Documentation of Eligibility Factors/Preliminary Assessment
553.60	Certification of Eligibility
553.70	Extended Evaluation
553.80	Outcome of Extended Evaluation
553.90	Assessment of Rehabilitation Needs
553.100	Assistance in Attaining Necessary Financial Support
553.105	Outcome of the Assessment of Rehabilitation Needs
553.110	Change in Eligibility Status
553.120	Order of Selection
553.130	Criteria for Severe Disability and Most Severe Disability
553.140	Determination of Serious Limitation to Functional Capacities
553.150	

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective JAN 14 1999.

## Section 553.35 Services to Non-United States Citizens

- a) DHS-ORS will not provide any services through its VR Program to any individual who is not a citizen of the United States who does not hold a proper visa or certification from the U.S. Immigration and Naturalization Services (INS) to allow him/her to be employed.

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- b) DHS-ORS will provide services through its VR Program to an individual who is not a citizen of the United States provided that:
- 1) the individual holds a proper visa or certification from the INS to allow him/her to be employed while in the United States;
  - 2) all other eligibility criteria described in this Part are met; and
  - 3) the individual is expected to remain in the United States for a period of not less than 90 60 days after the completion of services listed on his/her IWRP (89 Ill. Adm. Code 572) and can be expected to be gainfully employed during this period.

(Source: Amended at 23 Ill. Reg. 1368, effective JAN 14 1999)

## Section 553.80 Extended Evaluation

- a) ~~A If, prior to the expiration of the 60 calendar day eligibility determination period, it is determined that sufficient evidence exists to justify the need for extended evaluation, a certification of Extended Evaluation shall be completed and such an evaluation shall commence if determination of an appropriate employment goal cannot be completed. The Certification of Extended Evaluation shall identify why a determination of eligibility could not be completed during the 60 calendar day eligibility determination period. The IWRP shall and specifically outline the services that are to be provided during extended evaluation to determine the individual's eligibility or ineligibility.~~

- b) ~~If it is determined, based on initial documentation, that an individual's disability is too severe for him/her to benefit from VR services, in terms of an employment outcome, he/she must undergo a period of extended evaluation. The purpose of the extended evaluation shall be to determine whether or not the individual can benefit from services in terms of a successful employment outcome and/or to identify employability. DHS-ORS may not deny the individual access to VR services, unless DHS-ORS can prove through clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of a successful employment outcome.~~
- c) ~~The period of extended evaluation shall not exceed 18 months calculated from the date of the Certification of Extended Evaluation and shall be reviewed at least every 90 days.~~

(Source: Amended at 23 Ill. Reg. 1368, effective JAN 14 1999)

## Section 553.90 Outcome of Extended Evaluation

- a) If, after a period of extended evaluation, the customer is determined eligible, a Certification of Eligibility shall be prepared and the

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customer shall begin an Assessment of Rehabilitation Needs (see 89 Ill. Adm. Code 553.100).

b) If, after a period of extended evaluation, the customer is determined to be ineligible, a Certification of Ineligibility shall be completed and preparations made to close the customer's case.

c) If extended evaluation was being used to determine if an individual's disability was too severe to benefit from VR services in terms of an employment outcome, and:

1) ~~if DHS-ORS, after a period of extended evaluation, is unable to demonstrate through clear and convincing evidence that the individual cannot benefit from VR services in terms of an employment outcome, he/she shall be presumed to be able to benefit from services (89 Ill. Adm. Code 553.30) and shall be certified as eligible to receive VR services; or~~

2) ~~Clear When clear and convincing evidence is in the case file documenting the individual is not capable of benefiting from VR services, a Certification of Ineligibility shall be completed, which includes a summary and rationale for the determination based on the information gathered during the period of extended evaluation.~~

(Source: Amended at 23 Ill. Reg. 1368, effective JAN 14 1996)

## Section 553.100 Assessment of Rehabilitation Needs

a) If a customer is determined eligible to receive VR services (89 Ill. Adm. Code 553.50(a)), the Assessment of Rehabilitation Needs Summary (Assessment) shall be completed.

b) A major component of the Assessment shall be the determination of the employment goal. The goal shall involve the customer and take his/her interests into consideration, as well as career counseling provided to and with the customer by the counselor regarding labor market trends and training requirements. The employment goal chosen by the customer should be supported by the counselor unless the Assessment clearly contraindicates the customer's choice.

c) ~~The Assessment will include a review of existing and additional information as to the individual's career plan, unique strengths, resources, priorities, interests, and needs to determine the nature and scope of services necessary to ensure the individual a successful employment outcome in the area of his/her chosen goal.~~

c) The purpose of the Assessment is to determine the long-term vocational goal, intermediate rehabilitation objectives, and nature and scope of vocational rehabilitation services to be included in the customer's IWRP, which must be designed to achieve an employment outcome that is consistent with the customer's unique strengths, priorities, concerns, abilities, capabilities, career interests and informed choice.

d) The scope of the Assessment shall be limited to that which is

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necessary to identify the rehabilitation needs of the individual and to develop the Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) for the individual. To the maximum extent possible the information used shall be existing information and information available from the individual and, where appropriate, from the individual's family.

(Source: Amended at 23 Ill. Reg. 1368, effective JAN 14 1996)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Closure
- 2) Code Citation: 89 Ill. Adm. Code 617
- 3) Section Numbers:

617.10	<u>Adopted Action:</u>
617.20	Amended
617.30	Amended
617.55	Amended
- 4) Statutory Authority: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b), and (k)].

- 5) Effective Date of Amendments: January 19, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this adopted amendment contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in agency's principal office and available for public inspection.

- 9) Notice of Proposal Published in Illinois Register:  
September 4, 1998 22 Ill. Reg. 15887

- 10) Has JCAR Issued a Statement of Objections to these Amendments? No

- 11) Difference(s) between proposal and final version: In Section 617.55(a), changed "at" to "with compensation based on a rate at least equal to the" and added a comma after "wage". Added a comma after "benefits".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No

- 14) Are there any amendments pending on this Part: No

- 15) Summary and Purpose of Amendments: These amendments revise this Part to make it consistent with the federal regulations for the Vocational Rehabilitation Program. These regulations implemented the most recent amendments to the Rehabilitation Act. The major change is in the length of time a customer must maintain suitable employment before the case can be closed rehabilitated; this is now 90 days. Other changes made throughout the Part change the term "client" to "customer" in keeping with the terminology of the Office of Rehabilitation Services.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 617  
CLOSURE

Section	General Applicability
617.10	Determination of Closure
617.20	Criteria for Being Determined "Rehabilitated"
617.30	Closure as an Unpaid Family Worker
617.40	Closure as a Homemaker
617.50	Closure in Supported Employment
617.55	Closure in Sheltered Employment
617.60	Closure in a Work Activity Program (Repealed)
617.70	Vocational Outcome at Closure
617.80	Certification of Ineligibility
617.90	Client Participation in Closure Decision
617.100	Annual Review of Ineligibility Decision

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8776, effective June 10, 1985; amended at 11 Ill. Reg. 4032, effective February 18, 1987; amended at 12 Ill. Reg. 6959, effective April 1, 1988; amended at 12 Ill. Reg. 11498, effective June 22, 1988; amended at 12 Ill. Reg. 17090, effective October 11, 1988; amended at 12 Ill. Reg. 17957, effective October 24, 1988; amended at 15 Ill. Reg. 7347, effective April 26, 1991; amended at 15 Ill. Reg. 16118, effective October 24, 1991; emergency amendment at 17 Ill. Reg. 11686, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20366, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1374, effective JAN 14 1999.

Section 617.10 General Applicability

Rules contained within this Part are applicable to all Department of Human Services - Office of Rehabilitation Services (DHS-ORS) Vocational Rehabilitation (VR) customers clients.

(Source: AMENDED 1999 23 Ill. Reg. 1374, effective JAN 14 1999)

Section 617.20 Determination of Closure

Closure of an individual's case record shall be done any time in the Vocational

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Rehabilitation (VR) process when the counselor has determined that any of the following exist. Action required for each item is also indicated.

- The person has no physical or mental impairment or substantial impediment to employment (89 Ill. Adm. Code 553). This type of closure does not require an annual review, but does require opportunity for customer client participation in closure decision, written notification to customer client of closure in writing and other appropriate modes of communication, Client Assistance Program (CAP) services and appeal rights (89 Ill. Adm. Code 510), and completion of a Certification of Ineligibility by the counselor.
- After a period of Extended Evaluation (89 Ill. Adm. Code 553.80), there is no reasonable expectation that VR services may benefit the individual in terms of a successful employment outcome. This type of closure requires an annual review except as noted below, opportunity for customer client participation in the closure decision, written notification to customer client of closure in writing and other appropriate modes of communication, CAP services and appeal rights, an Individualized Written Rehabilitation Program (IWRP) amendment (89 Ill. Adm. Code 567), if appropriate, and completion of a Certification of Ineligibility by the counselor. If the determination the customer cannot benefit was based on the fact the customer's medical condition is rapidly progressive or terminal, an annual review need not be conducted.
- The person has refused services or further services, or has failed to cooperate. This type of closure does not require an annual review, but does require opportunity for customer client participation in the closure decision and written notification to customer client of the closure, CAP services, and appeal rights.
- The person cannot be located, has moved out of state, has died, or is otherwise unavailable for services for an extended period of time, e.g., institutionalized or incarcerated. This type of closure does not require an annual review, but does require an IWRP amendment, if appropriate.
- The program of services has been completed in terms of a successful employment outcome and additional services are not required. This type of closure does not require an annual review, but does require opportunity for customer client participation in the closure decision, written notification to customer client of the closure, CAP services and appeal rights, and an IWRP amendment.
- Employment was obtained without benefit of VR services. This type of closure does not require an annual review, but does require written notification to customer client of the closure, CAP services and appeal rights, and an IWRP amendment, if appropriate.
- The person's service needs are outside the scope of VR service as contained in 89 Ill. Adm. Code: Chapter IV, subchapter b and are more appropriately provided by another agency. This type of closure does not require an annual review, but does require opportunity for customer client participation in the closure decision, written

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notification to customer client of the closure in writing and other appropriate modes of communication, CAP services, and appeal rights, and an IWRP amendment, if appropriate.

- h) The person did not meet the order of selection criteria (89 Ill. Adm. Code 553.140) and did not express an interest in being placed on a waiting list for a later offer of rehabilitation services. The person must have been eligible, or presumably eligible, for services if the order of selection criteria had not been applied. This type of closure does not require an annual review, but does require opportunity for customer client participation in the closure decision, written notification to customer client of the closure, CAP services, and appeal rights.

- i) The provision of suitable transportation for the acceptance or maintenance of employment was either not feasible (e.g., too costly for the customer client to afford) or not available. This type of closure does not require an annual review, but does require opportunity for customer client participation in the closure decision, written notification to customer client of the closure in writing or other appropriate mode of communications, CAP services, and appeal rights, and an IWRP amendment, if appropriate.

(Source: Amended at 23 Ill. Reg. 1374, effective JAN 19 1990)

## Section 617.30 Criteria for Being Determined "Rehabilitated"

A determination that the customer client has been rehabilitated must meet the following criteria:

- the counselor provided guidance and counseling;
- VR services which were necessary and consistent with the customer's client's goals and objectives in accordance with the Individualized Written Rehabilitation Program (IWRP) were provided;
- the customer client has attained a successful employment outcome and has maintained such for at least 90 calendar days. A rehabilitation counselor/instructor may maintain a case as long as necessary in excess of the 90 days to ensure a successful employment outcome for the customer. A determination of suitable employment cannot be made until completion of 90 days of employment. Suitable employment is indicated when all of the following are present:

- the customer client and employer are each satisfied as evidenced by the customer's client's continued employment and as expressed by the customer client at the time of customer client participation in the closure decision (Section 617.100);
- the customer client is maintaining adequate interpersonal relationships and acceptable behavior in the job environment as evidenced by the customer's client's continued employment and as expressed by the customer client at the time of customer client participation in the closure decision (Section 617.100);

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- the employment outcome is consistent with the customer's client's own unique strengths, resources, priorities, concerns, abilities, and capabilities, career interests, and informed choices as documented in the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100). If the occupation is different than the customer's client's long-term goal, the customer client must be advised of the difference with documentation in the customer's client's case file regarding this difference and an IWRP amendment written (89 Ill. Adm. Code 572.80);
- the customer client possesses acceptable skills to perform or continue the work satisfactorily as evidenced by the customer's client's continued employment;
- the employment is regular, reasonably permanent (based upon the goal established in the customer's client's IWRP (89 Ill. Adm. Code 572)), and the customer client receives a wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled commensurate with that paid to others for similar work as determined by wage information obtained by the counselor; e.g., Job-Security, U-S-V Department of Labor, under-regard requirements as contained in 29 CFR 525 and Illinois Minimum Wage Law (56--iii--Adm--Code--2007) respectively; and
- the employment and working conditions will not aggravate the customer's client's disability and the customer's client's disability in the job situation will not jeopardize the health or safety of him/herself or others based upon information obtained during the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and the counselor's knowledge of the job description and requirements.

(Source: Amended at 23 Ill. Reg. 1374, effective JAN 19 1990)

## Section 617.55 Closure in Supported Employment

- To be considered a rehabilitation closure in supported employment, in addition to the criteria contained in Section 617.30, the supported employment must be competitive work in an integrated work setting (34 CFR 363.5(b)(30) 363-747(2)(iii)) with compensation based on a rate at least equal to the minimum wage, with applicable benefits, with extended services.
- The customer client, DHS-ORS and the service provider shall develop an extended service plan which contains a description of extended services to be provided, the identity of the State state, federal or private non-profit programs that will provide the services, the customer's client's comments on the extended service plan, and a date for review of the plan by customer client and the counselor.



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"Extended services" are those services necessary to support and maintain an individual following the termination of time-limited support services as specified on the customer's ~~client's~~ IWRP (89 Ill. Adm. Code 572). Time-limited support services shall be provided for no longer than 18 months from initial date of placement unless special circumstances exist and the customer ~~client~~ and counselor agree extension of this time period is necessary for the customer ~~client~~ to achieve his/her employment objective. Extended services shall include job-related skills training provided at least twice monthly on the worksite. If the individual has a diagnosis of mental illness, the contacts may be for any job-related reason off the worksite.

- c) For the purposes of this Section, "customer ~~client~~" shall also include, as appropriate, a parent, family member, guardian, advocate or duly authorized representative.

(Source: Amended at 23 Ill. Reg. 1384, effective JAN 19 1995)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) Section Numbers:  
Adopted Action:  
 567.20 Amendment  
 567.30 Amendment  
 567.100 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(a),(b), and (k) of The Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).
- 5) Effective Date of Amendment: January 14, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 4, 1998, 22 Ill. Reg. 15894
- 10) Has JCAR Issued a Statement of Objections to this these Amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: The rulemaking amends sections of this Part to clarify the Department's policy regarding the applicability and use of comparable benefits for the Office of Rehabilitation Services customers. Comparable benefits are services available from other state, federal and private programs which are needed by the customer to achieve the employment outcomes. These services can be private insurance, scholarships, Medicaid, JTPA, etc. Federal regulations require that these other services be used, if available, unless their use would not be available in a timely manner.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 567  
COMPARABLE BENEFITS

Section	General Applicability
567.10	Definition of Comparable Benefits
567.20	Exceptions to Comparable Benefits
567.30	Refusal of Comparable Benefits
567.100	

**AUTHORITY:** Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).

**SOURCE:** Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149, effective December 18, 1992; emergency amendment at 17 Ill. Reg. 11896, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. ~~1381~~ 1381 effective ~~JAN 14 1993~~ JAN 14 1999.

## Section 567.20 Definition of Comparable Benefits

- a) A comparable benefit is a service that ~~comparable--benefits--are~~ services--which is available at the time the service is needed by a customer and is ~~are~~ used to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives specified in the customer's ~~client's~~ Individualized Written Rehabilitation Program (89 Ill. Adm. Code 572) that, when provided to DHS-ORS customers ~~BORS~~ BORS by public or private agency or agencies ~~other than~~ DHS-ORS BORS, offset costs which would otherwise be paid by DHS-ORS BORS or the customer ~~client~~.
- b) Private monetary merit awards, contributions and gifts which are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that shall be considered as a comparable benefit to reduce the customer's ~~client's~~ need for that service(s) from DHS-ORS BORS. Unrestricted monetary merit awards, contributions and gifts shall not be considered as an available resource by DHS-ORS BORS and may be used by the customer ~~client~~ however he/she wishes.

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- c) While a customer client will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 22 Ill. Reg. 1381, effective JAN 14 1996)

## Section 567.30 Exceptions to Comparable Benefits

Comparable benefits must be pursued for all services except:

- a) if a search for comparable benefits would delay the provision of VR services to a customer client who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional;
- b) for evaluation during the Determination of Eligibility and Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553);
- c) for counseling, guidance, referral, and placement;
- d) for the provision of any service when the delay caused in identifying and/or making use of a comparable benefit would cause the customer client to lose a job placement which is immediately available;
- e) for vocational and other training services, which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing) (e-g-7 these vocational and other training services could include on-the-job training, work adjustment training including at a rehabilitation facility or the three month or nine month pre-vocational program for hearing impaired at Northern Illinois University, and work experience from the Secondary Transitional Experience Program or similar programs) ~~which are not provided in institutions of higher education (e-g-7 universities, colleges, vocational schools, technical institutes, or hospital schools of nursing);~~
- f) for rehabilitation technology engineering services ~~(e-g-7 the application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by persons with disabilities);~~
- g) for supported employment services; and
- h) for post employment services included in subsections (b), (c), (d), (e), (f), and (g) above.

(Source: Amended at 22 Ill. Reg. 1381, effective JAN 14 1996)

## Section 567.100 Refusal of Comparable Benefits

DHS-ORS BERS cannot provide a service (with the exception of Section 567.30(a)

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through (h) to a customer client who refuses to make formal application to a comparable benefit source or who refuses to accept a comparable benefit for which he/she is eligible.

(Source: Amended at 22 Ill. Reg. 1381, effective JAN 14 1996)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers:  
     562.20 Adopted Action:  
     562.30 Amendment  
     562.App A Added
- 4) Statutory Authority: Implementing and authorized by Section 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)].
- 5) Effective Date of Amendments: January 14, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 18, 1998, 22 Ill. Reg. 16410
- 10) Has JCAR Issued a Statement of Objections to these Amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): This amendment revises this Part to replace the standard budget allowance figure in the present rule with the latest federal figures. The amendment also changes the definition of "dependent" to address recommendations made by ORS staff to clarify the definition for counselors and customers. Other changes made to the Part reflect the limits of the financial participation to Vocational Rehabilitation Program of the Office of Rehabilitation Services within the Department of Human Services.
- 16) Information and answers to questions regarding this adopted amendment shall be directed to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor, Harris Bldg.  
 Springfield, Illinois 62762  
 (217) 785-9772

The full text of Adopted Amendment begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER b: VOCATIONAL REHABILITATION

## PART 562

## CUSTOMER FINANCIAL PARTICIPATION

## Section

562.10	General Applicability
562.20	Definitions
562.30	Financial Analysis Completion
562.40	Financial Participation
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate (Repealed)
562.80	Timing of Financial Analysis (Repealed)
562.90	Impact of Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
TABLE A	Determination Table for Client Participation (Repealed)
APPENDIX A	Standard Budget Allowances

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1386, effective January 14, 1996.

## Section 562.20 Definitions

For the purposes of this Part, the following terms shall have the following meanings:

- CUSTOMER FINANCIAL ANALYSIS (IL 488-0265) (Financial Analysis) - the form developed by DHS-ORS to determine customer financial participation.
- Customer Financial Participation - the amount of money, as determined

## DEPARTMENT OF HUMAN SERVICES

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by the completion of the Financial Analysis, which a customer and/or the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer and/or his/her family wish to contribute to the cost of services.

- c) Dependent - a person under the age of 24 years; unless he or she does not reside in the parents' home and one of the conditions below exists:

- 1) is or has been married;
- 2) has legal dependents other than a spouse;
- 3) is a veteran of the Armed Forces of the United States; or
- 4) has not been claimed as a dependent on his/her parent's income tax return for at least two years and is in fact independent of parental support as documented by evidence that one of the conditions below exists:

- A) the person was adjudicated by a court to be emancipated; or
- B) the person has in fact lived independently (with the exception of post-secondary education) of parental support; or

- C) the person has been determined by a financial aid administrator to be independent in accordance with the Higher Education Act (20 USC 1087vv). ~~Dependent---for-the purpose-of-completing-the-Financial-Analysis---a-customer shall---be---considered---a---dependent---of---his/her---parents, including-step-parents-and-adoptive-parents---if---he/she---is under---24-years-of-age, unless-he/she-does-not-reside-in-the parent's-home-and;~~

- 1) is-or-has-been-married;
- 2) has-served-in-the-United-States-Armed-Forces;
- 3) has-been-adjudicated-by-a-court-to-be-emancipated;-or
- 4) has-legal-dependents-other-than-a-spouse-

- d) Family - for the purpose of identifying those individuals who must be taken into consideration in the completion of the Financial Analysis, "family" shall include the customer and all of the following individuals:

- 1) the customer's spouse;
- 2) the customer's dependent children, including step-children, if they are dependent upon the customer;
- 3) parents, including non-custodial parents if the customer's parents are divorced and the custodial parent is not remarried and step-parents; and
- 4) the customer's siblings still residing in the same home as the customer and who are still dependent on the customer's parents.

- e) Income - all earned and unearned income from all sources including all types of public support, wages, tips, interest income, dividends from investments, and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall also be considered as income for the purpose of completion of the

## DEPARTMENT OF HUMAN SERVICES

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## Financial Analysis.

- f) Services - those services provided by and through DHS-ORS to customers of the Vocational Rehabilitation Program and as described at 89 Ill. Adm. Code 590 - Services.
- g) Standard Budget Allowance (SBA) - the State Median Income Figures established by the Office of Community Programs of the United States Department of Health and Human Services which are published annually in the Federal Register.
- h) Unusual Allowable Expenses - expenses directly related to the customer's disability, such as on-going medical treatment, medication, adaptive equipment, and rehabilitation technology services, which are currently being paid by the customer and/or customer's family which are not paid for through insurance or any other source and/or cost associated with another family member attending post-secondary education which are not paid by any other source.

(Source: Amended at 23 Ill. Reg. 1386, effective JAN 14 1990)

## Section 562.30 Financial Analysis Completion

- a) A customer seeking services through DHS-ORS and his/her family must complete the Financial Analysis and must participate in the cost of services as indicated by the Financial Analysis. Failure on the part of the customer and/or customer's family to participate in the cost of vocational rehabilitation services, as indicated by the Financial Analysis, shall result in the denial of services from DHS-ORS, except for those which are exempt from financial participation and listed in subsection (b) below.
- b) Customer financial participation shall be required for all services except the following:
  - 1) evaluation of rehabilitation potential (however, VR services other than diagnostic services provided during extended evaluation require application of the financial analysis);
  - 2) counseling, guidance, referral and placement provided by--BHS-ORS (89 Ill. Adm. Code 590 - Subpart I);
  - 3) fees for assessment and training (i.e., work adjustment, skills, employment) through any approved community rehabilitation program (89 Ill. Adm. Code 530);
  - 4) the work/study student component of the summer program and the nine month hearing impaired pre-vocational program at Northern Illinois University;
  - 5) services provided through the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code - 590 Subpart L);
  - 6) fees for on-the-job training (OJT);
  - 7) job coaching services provided through the supported employment program (89-III-Adm.-Code-590-330(a)(2)(B));
  - 8) instruction provided by Rehabilitation Instructors and Mobility

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Instructors in the area of:

- A) activities of daily living;
- B) communications skills;
- C) adjustment counseling;
- D) mobility instruction; and
- 9) interpreter, reader, attendant, and note taker services.

(Source: Amended at 23 Ill. Reg. 1386, effective JAN 14 1990)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES  
AND ILLINOIS STATE BOARD OF EDUCATION

Heading of the Part: Individual Care Grants for Mentally Ill Children

Code Citation: 59 Ill Adm Code 135

Section Numbers:

135.5 135.10  
135.15 135.20  
135.30 135.40  
135.50 135.60  
135.70 135.80  
135.81 135.85  
135.90 135.91  
135.100 135.110  
135.120 135.130  
135.135 135.140  
135.150 135.160

Date Originally Published in the Illinois Register: 10/2/98  
22 Ill Reg 17205

At its meeting on January 12, 1999, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that DHS and the State Board of Education either renew the former, or enter into a new, Interagency Agreement outlining each agency's financial responsibility for providing services to children in need of mental health services. The Interagency Agreement that originally set out these responsibilities has expired.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

Section 562.APPENDIX A Standard Budget Allowances

The Standard Budget Allowances (SBAs) are as follows:

Family Size	Annual Allowance
1	\$28,793
2	\$37,353
3	\$46,512
4	\$55,372
5	\$64,232
6	\$73,091
7	\$74,752
8	\$78,075
9	\$79,736
10	\$81,393
11	\$83,058
12	\$84,719

For families with more than 12 members, \$1661 is added for each additional member over 12.

(Source: Added at 23 Ill. Reg. 1386, effective JAN 14 1999)



## ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

## JANUARY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Uniform Disposition of Unclaimed Property Act, 38 Ill. Adm. Code 180

1) Rulemaking:

- A) Description: Prohibits the holder of the safety deposit box from selling its contents at public sale as is currently allowed under Section 180.30.

B) Statutory Authority: 765 ILCS 1025/26

C) Scheduled meeting/hearing date: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small business, small municipalities or not for profit corporations: The Department of Commerce and Community Affairs has not made a determination.

F) Agency contact person for information:

Chief Counsel  
Illinois Department of Financial Institutions  
100 W. Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemaking and other pertinent information: None.

- b) Part(s) (Heading and Code Citation): Title Insurance Act, 50 Ill. Adm. Code 8100

1) Rulemaking:

- A) Description: Establishes rules regarding the issuance of cease and desist orders as provided in the Title Insurance Act.

B) Statutory Authority: 215 ILCS 155/20

C) Scheduled meeting/hearing date: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small business, small municipalities or not for profit corporations: The rule will affect certain title insurance companies.

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- F) Agency contact person for information:

Chief Counsel  
Illinois Department of Financial Institutions  
100 W. Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemaking and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Illinois Credit Union Act, 38 Ill. Adm. Code 190

1) Rulemaking:

A) Description: Switches burden of proof in a hearing from the petitioner to the Department.

B) Statutory Authority: 205 ILCS 305

C) Scheduled meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: This rule will affect certain credit unions.

F) Agency contact person for information:

Chief Counsel  
Illinois Department of Financial Institutions  
100 W. Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemaking and other pertinent information: None

## DEPARTMENT OF INSURANCE

## JANUARY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Valuation of Investments, 50 Ill. Adm. Code 801; Purchasing and Selling Call and Put Options Contracts, 50 Ill. Adm. Code 802; Lending of Securities, 50 Ill. Adm. Code 803; Repurchase and Reserve Repurchase Agreements, 50 Ill. Adm. Code 804; Financial Futures Contracts, 50 Ill. Adm. Code 805.

1) Rulemaking:

- A) Description: P.A. 90-418 repealed Sections 124 through 125.24a effective August 15, 1997. This same Act also added Sections 126.1 through 126.32, which is now known as the new Investments of Domestic Companies Article VII of the Insurance Code. All five of the above referenced Subchapter J regulations were promulgated to implement the investment article; however, the statutory citations will all need to be revised. These amendments will be housekeeping in nature.

- B) Statutory Authority: Implementing P.A. 90-418 and authorized by Section 401 of the Illinois Insurance Code.

- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: July 1999

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, municipalities or not for profit corporations.

- F) Agency contact person for information:

Name: Jim Hanson  
Address: Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: (217) 782-6284

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Life Insurance Solicitation, 50 Ill. Adm. Code 930

1) Rulemaking:

- A) Description: Exhibit A of this Part will be revised to be consistent with 50 Ill. Adm. Code 1406.

- B) Statutory Authority: Implementing Section 421 and authorized by

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- Section 401 of the Illinois Insurance Code [215 ILCS 5/401 and 421].

- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: June 1999

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, municipalities or not for profit corporations.

- F) Agency contact person for information:

Name: Betty Jo Teer  
Address: Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: (217) 785-7349

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Valuation of Life Insurance Policies Including the Use of Select Mortality Factors, 50 Ill. Adm. Code 1409

1) Rulemaking:

- A) Description: These amendments will introduce new select mortality factors for calculating basic and deficiency reserves and will include the "X factor" for calculating deficiency reserves.

- B) Statutory Authority: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

- C) Schedule meeting/hearing date: No meetings or hearing dates have been scheduled.

- D) Date agency anticipates First Notice: April 1999

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, municipalities or not for profit corporations.

- F) Agency contact person for information:

Name: Bruce Sartain or Larry Gorski  
Address: Department of Insurance  
320 West Washington Street

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## JANUARY 1999 REGULATORY AGENDA

Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: (217) 785-0903 or (217) 782-1794

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Fees for Examination, 50 Ill. Adm. Code 2501

1) Rulemaking:

A) Description: This Part will be repealed since it has been substantively replaced by 50 Ill. Adm. Code 2505 effective December 21, 1998.

B) Statutory Authority:

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: March 1999

E) Affect on small businesses, small municipalities or not for profit corporations: This repealer will not affect small businesses, municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Chuck Feinen  
Address: Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
Telephone: (217) 557-1396

G) Related rulemakings and other pertinent information: None

## POLLUTION CONTROL BOARD

## JANUARY 1999 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)  
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)

Enforcement Proceedings (35 Ill. Adm. Code 103)

Variances (35 Ill. Adm. Code 104)

Permits (35 Ill. Adm. Code 105)

Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)

Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)

1) Rulemaking: Docket number R97-8

A) Description: 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Pollution Control Board (Board). After an extensive review of these rules, the Board, on October 3, 1996, adopted a proposal for public comment and hearing, rather than a proposal for First Notice publication in the *Illinois Register*. That proposal suggested certain changes to update and streamline the Board's procedural rules. The prospective revisions are intended to repeal and replace the Board's existing procedural rules.

B) Statutory Authority: Sections 26 and 28 of the Illinois Environmental Protection Act (Act) [415 ILCS 5/26 & 28].

C) Scheduled meeting/hearing dates: The Board originally established a period through December 15, 1996, to allow interested persons to comment on the prospective changes to the Board's procedural rules. On December 10, 1996, the Board extended the public comment period to January 10, 1997. The Board has not scheduled any public hearings in this matter to date.

D) Date agency anticipates First Notice: The Board may cause First Notice publication of Notices of Proposed Amendments in the Spring or Summer of 1999.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: There may be an effect on any small business, small municipality, or not-for-profit corporation which appears before the Board in any type of proceeding. These proceedings include rulemakings; enforcement actions; variances, adjusted standards and site-specific rule requests; permit appeals; review of local government decisions concerning siting of pollution control facilities; and any other actions provided for in the Act.

F) Agency contact person for information: Address written comments



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concerning the substance of the rulemaking, noting docket number R97-8, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R97-8, as follows:

Cynthia I. Ervin  
Pollution Control Board  
600 South Second Street  
Suite 402  
Springfield, Illinois 62704  
217-524-8509  
Internet: cervin@pcb084r1.state.il.us

- G) Related rulemakings and other pertinent information: The pending rulemaking filed by the Illinois Environmental Protection Agency (IEPA) and docketed as R99-9 (see 22 Ill. Reg. 15926 (September 4, 1998)), and other, as yet unknown, unrelated Board proceedings could impact Part 106. No presently known proceedings would affect the general provisions of Parts 101 through 105 or 120.

If review of existing procedural rules warrants it, the Board may open additional Parts within 35 Ill. Adm. Code: Subtitle A.

- b) Parts (Headings and Code Citations): Permits and General Provisions (35 Ill. Adm. Code 201)

- 1) Rulemaking: No docket number presently reserved.

- A) Description: The IEPA is currently preparing a rulemaking proposal regarding the transfer of Permits to New Owners and Portable Emission Units. This rulemaking will address the procedures regarding the transfer of Federally Enforceable State Operating Permits (FESOPs) to new owners following a change of ownership of a permitted source. Additionally, the proposed Rule will address the permitting of emission units which are portable and may emit pollutants at multiple sites.

- B) Statutory Authority: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Act) [415 ILCS 5/10 & 27]

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- C) Scheduled meeting/hearing dates: The Illinois EPA presently anticipates that it will file a rulemaking proposal in the Spring of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Summer of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that purchase a FESOP-permitted source or own or operate a portable emission unit.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: kcrowley@pcb084r1.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact Part 201.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Deborah J. Williams  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East

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Springfield, Illinois 62794-9276  
217-524-3337

- c) Parts (Headings and Code Citations): Vehicle Scrappage (35 Ill. Adm. Code 207)

- 1) Rulemaking: No docket number presently reserved.

A) Description: The IEPA is preparing a regulatory proposal for submission to the Board. The prospective amendments would augment the Emissions Reduction Market System in the Chicago non-attainment area, defining creditable emissions reductions through a vehicle scrappage program. The proposal would include requirements for sponsoring entities to augment allocation of allotted trading units through the purchase and scrappage of older, high emissions vehicles.

B) Statutory Authority: Implementing Section 13B-30(e) of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-30(e)] and authorized by Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: An IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in spring of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct at least two public hearings in affected areas of the State, as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in spring of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the Illinois Register.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation if these entities elected to participate in the vehicle scrappage program. The program vehicle scrappage would be voluntary.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street

## POLLUTION CONTROL BOARD

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Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: [kcrowley@pcb084r1.state.il.us](mailto:kcrowley@pcb084r1.state.il.us)

G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 207.

If you have any questions concerning development of the IEPA proposal, please contact the following IEPA attorney:

Bonnie R. Sawyer  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-5544

- d) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: Docket number R99-11

A) Description: Section 9.1(e) of the Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified as 35 Ill. Adm. Code 211.7150, to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the State implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

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The Board has reserved docket number R99-11 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 1998, through December 31, 1998. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 1999. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R99-11 as unnecessary, as appropriate.

Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 1998, the due date for Board adoption would be July 1, 1999.

B) Statutory Authority: Sections 9.1(e) and 27 of the Act [415 ILCS 5/9.1(e) & 27]

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (CAA) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 1999, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 1999, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 1999. This would be sufficient in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed

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exemption or proposed deletion from the list of exempted compounds.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R99-11, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R99-11, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-7011  
Internet: mmccambr@pcb084r1.state.il.us

G) Related Rulemakings and other pertinent information: Another prospective proceeding (see item (e) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

Section 9.1(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR). Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

e) Part (Heading and Code Citation):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 219)  
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)



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1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois rules for the 15% ROP Plan rulemakings required pursuant to Section 182(b)(1) of the CAA: (1) The rulemaking may amend existing air pollution control rules for lithographic printing operations to clean up the existing language. The rulemaking is intended to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings. (2) The rulemaking may include amendments to existing rules for volatile organic liquid storage tanks. (3) The rulemaking may include a rule to amend existing rules for perchloroethylene dry cleaners, since perchloroethylene was delisted as a VOM by USEPA. (4) The rulemaking may amend existing rules for capture efficiency testing. This rulemaking is intended to make State rules consistent with USEPA's final rule on the revised capture efficiency test methods. (5) The rulemaking may correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings, amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation reactors and vapor collection and control systems. (6) The rulemaking may also amend Part 211 to conform any possible conflicting provisions with the changes made to 35 Ill. Adm. Code 218 and 219.

B) Statutory Authority: Implementing Section 9.8 and authorized by Sections 27, 28.2, and 28.5 of the Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].

C) Scheduled meeting/hearing dates: A Spring or Summer 1999 IEPA submittal to the Board of the proposal is expected. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.

D) Date Agency anticipates First Notice: A Spring or Summer 1999 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: The proposal would affect a small business, a small municipality, or a not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will merely act as a

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## clean-up of existing requirements.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: The reserved identical-in-substance definition of VOM update docket, R99-12 (see item (d) above), and other as yet unknown proceedings could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Deborah Williams  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-5544

f) Parts (Headings and Code Citations): Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

1) Rulemaking: No docket number presently assigned.

A) Description: On October 27, 1998, USEPA found Illinois' State Implementation Plan (SIP) deficient for failing to contain provisions requiring control of emissions that contribute to

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non-attainment or interfere with maintenance of the 1-hour and 8-hour ozone air quality standard in other states pursuant to Section 110(a)(2)(D) of the CAA. Illinois is required to submit a SIP with fully adopted control measures by September 30, 1999. The Agency is in the process of developing a proposal to address the above deficiencies. This proposal may include control of large stationary sources of nitrogen oxides (NOX), specifically, boilers and turbines serving electric generator units greater than 25 megawatts, boilers, and turbines with head input greater than 250 mmBtu/hr, large cement kilns with ozone season emissions greater than 1 ton, and large internal combustion engines. The proposal may include emission rate limits for ozone season emissions greater than 1 ton or may include trading based control measures. The Agency may also revise Sections in 35 Ill. Adm. Code 201 concerning continuous emissions monitoring.

B) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28.5 of the Act [415 ILCS 5/10 & 27, and 28.5].

C) Scheduled Meetings/Hearing Dates: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated by March 1, 1999. No hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule set forth in Section 28.5 of the Act for those rulemakings required under the federal CAA.

D) Date Agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated by March 1, 1999, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rule would affect small businesses, municipalities, or not-for-profit corporations to the extent they own or operate a large stationary source that emits NOX.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

## JANUARY 1999 REGULATORY AGENDA

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: korowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Part 217.

The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact the following IEPA attorney:

Rachel Doctors  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-5544

g) Parts (Headings and Code Citations): Nonmethane Organic Emissions (35 Ill. Adm. Code 220)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is preparing proposed regulatory amendments for submission to the Board. The prospective amendments would reflect that modifications at a landfill due to RCRA or CERCLA are not considered construction or modification. The proposal would also reflect that while the IEPA can approve testing requirements different from those prescribed in the test method, USEPA has reserved the authority to approve alternate test methods. In addition, the proposal would correct several typographical errors.

B) Statutory Authority: Implementing and authorized by Sections 4, 9.1, 27, and 28.5 of the Act [415 ILCS 5/4, 9.1, 27, and 28.5].

C) Scheduled Meetings/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28.5 of the Act [415 ILCS 5/27 & 28.5].

D) Date Agency anticipates First Notice: A Spring 1999 IEPA submittal to the Board of the proposal is expected, after which

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the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small businesses, small municipalities, or not-for-profit corporations that own or operate a Municipal Solid Waste Landfill.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 220.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Alec Messina  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-5544

h) Part(s) Heading(s) and Code Citation(s): Mobile Sources (35 Ill. Adm. Code 240)

1) Rulemaking: No docket presently reserved.

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A) Description: The IEPA and its vehicle emissions test contractor are preparing to begin Enhanced Vehicle Inspection and Maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the federal Clean Air Act (42 USC 7401 et seq.) and the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B-1 et seq.). The Board has recently adopted amendments to Part 240 which provide the necessary standards for Enhanced I/M testing to begin. However, the IEPA believes that certain clarifications will be needed to the Part 240 rules to insure consistency with Agency procedural rules contained at 35 Ill. Adm. Code 276. A specific element of this rulemaking is anticipated to be amendments to "fast-pass" exhaust emissions standards contained in Part 240.

B) Statutory Authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B-20) and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28], possibly in Summer/Fall 1999.

D) Date Agency Anticipates First Notice: A Summer 1999 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate a motor vehicle that would be subject to the amended regulations. The IEPA anticipates that the amendments would have a positive effect.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking and address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)



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- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 240.

i) Parts (Headings and Code Citations):

Air Quality Standards (35 Ill. Adm. Code 243)  
Episodes (35 Ill. Adm. Code 244)

- 1) Rulemaking: No docket number presently assigned.

A) Description: In the Illinois rules, 35 Ill. Adm. Code 243 contains the National Ambient Air Quality Standards (NAAQS) for criteria pollutants, and 35 Ill. Adm. Code 244 contains the regulations for Episodes. On July 18, 1997 (62 Fed. Reg. 38651), the USEPA promulgated new and revised air quality standards for ozone and particulate matter and is expected to finalize conforming amendments to its regulations for episodes in the fall of 1999. Final federal episode regulation amendments reflecting the new NAAQS are expected in Spring, 1999. The IEPA is currently developing a proposal for submission to the Board of conforming amendments to Parts 243 and 244. The IEPA may also revise sections in 35 Ill. Adm. Code 211 to add updated definitions for particulate matter.

B) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Act [415 ILCS 5/9.8, 27 & 28].

C) Scheduled meeting/hearing dates: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in Summer or Fall, 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct at least two public hearings in affected areas of the State, as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in Summer or Fall 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation if these entities discharge a pollutant regulated under an NAAQS. However, the IEPA has stated that it does not anticipate that

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these conforming amendments will substantively impact these entities, since the entities are already subject to the federal NAAQS as a matter of State and federal law.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect the text of Parts 243 and 244.

Address questions concerning development of the IEPA proposal as follows:

Rachel L. Doctors  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
217/524-3337

j) Parts (Headings and Code Citations):

Introduction (35 Ill. Adm. Code 301)  
Permits (35 Ill. Adm. Code 309)

- 1) Rulemaking: Docket number R99-8

A) Description: This proposal will add to Board rules provisions on IEPA issuance of permits for discharges into the Lake Michigan. The rulemaking is a part of Illinois' on-going adoption of Federal

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guidance and the Great Lakes Initiative. First Notice publication in the Illinois Register is anticipated by March of 1999.

B) Statutory Authority: Sections 13 and 27 of the Act [415 ILCS 5/13 & 27].

C) Scheduled meeting/hearing dates: The Board has held hearings on October 5, 1998, and December 10, 1998, to allow interested persons to comment on the prospective changes to the Board's rules. At this time the Board does not anticipate holding additional hearings on the proposal.

D) Date agency anticipates First Notice: The Board may cause First Notice publication of Notices of Proposed Amendments in the Winter of 1999.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: There may be an effect on any small business, small municipality, or not-for-profit corporation which discharge into Lake Michigan.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R99-8, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R99-8, as follows:

Marie Tipsord  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-4925  
Internet: mtipsord@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect the text of Parts 301 and 309.

k) Parts (Headings and Code Citations):

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Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R99-17

A) Description: Section 13.3 of the Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the USEPA.

The Board has reserved docket number R99-17 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 1998 through December 31, 1998. At this time, the Board is aware that USEPA undertook three actions that affected the text of 40 CFR 400 through 499. These actions, together with a brief description of each, are as follows:

63 Fed. Reg. 39439 (July 22, 1998) USEPA amended the wastewater pretreatment standards for the single manufacturer of pendimethalin in the pesticide active ingredient manufacturing industry sector.

(It is uncertain on the face of the federal action whether or not the single manufacturer has any applicable facilities in Illinois.)

63 Fed. Reg. 42238 (August 7, 1998) USEPA corrected errors in its April 15, 1998 air and water standards for the pulp and paper industry sector. (The April 15, 1998 amendments are involved in pretreatment update docket R99-4, proposed by the Board for public comment on December 17, 1998.)

63 Fed. Reg. 50387 (September 21, 1998) USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 64417 (November 20, 1998) USEPA adopted corrections to the effluent limitations for the grain mills point source category that appeared in the Code of Federal Regulations as published on July 1, 1998. (Wastewater pretreatment standards were not involved in this correction, and the federal provision affected is not incorporated into the

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Illinois regulations.)

The Board has not yet verified whether any of these listed federal actions will actually require amendments to the Illinois wastewater pretreatment regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 400 through 499. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 1999. The Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

Section 9.1(e) of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is July 22, 1998, the due date for Board adoption of all amendments in the period would be July 22, 1999.

B) Statutory Authority: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Act [415 ILCS 5/13, 13.3 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 1999, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 22, 1999, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-April 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a

## POLLUTION CONTROL BOARD

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publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R99-17, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R99-17, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Act provides that Title VII of the Act and Section 5 of the APA [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

1) Parts (Headings and Code Citations):

General Provisions (35 Ill. Adm. Code 501)  
Permits (35 Ill. Adm. Code 502)  
Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503)  
Implementation Program (35 Ill. Adm. Code 504)

1) Rulemaking: Docket Number R98-11

A) Description: The Livestock Management Facilities Act (Livestock Act) (516 ILCS 77), effective May 21, 1996, sets forth an outline



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for the proper design, construction, operation, and management of livestock management facilities and associated waste handling structures. The Livestock Act also directs that the Board adopt rules for the implementation of the Livestock Act within six months after the Department of Agriculture filed proposed rules with the Board. On May 15, 1997, the Board adopted such rules for implementation by the Department of Agriculture. See 35 Ill. Adm. Code 506. In so doing, the Board noted that it already had regulations specific to livestock waste management facilities and that any inconsistencies between these two sets of rules should be reconciled. Accordingly, the Board opened this rulemaking on September 4, 1997, to identify and reconcile any inconsistencies between the Board regulations adopted to implement the Livestock Act and previously existing regulations concerning agricultural-related pollution adopted by the Board (35 Ill. Adm. Code 501 through 504). Since the opening of this rulemaking docket, however, Public Act 90-565 was signed into law which again amended the Livestock Act. Since Part 506 will need to be amended to incorporate the recent amendments to the Livestock Act, the Board on January 22, 1998, entered an order staying this rulemaking until the amendments to Part 506 are completed.

B) Statutory Authority: Implementing Sections 9, 13, and 22 and authorized by Section 27 of the Act [415 ILCS 5/9, 13, 22 & 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the *Illinois Register* in the Spring or Summer of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect small business, small municipalities, or not-for-profit corporations to the extent that they own or operate a livestock management facility or associated waste handling structures.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board

## POLLUTION CONTROL BOARD

## JANUARY 1999 REGULATORY AGENDA

100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Cynthia Ervin, Attorney  
Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, Illinois 62704  
217-524-8509.  
Internet: cervin@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: Rulemaking R98-26 (see item (m) below) and other, as yet unknown, proceedings could impact the provisions of associated 35 Ill. Adm. Code 506. No other presently-known proceeding would impact 35 Ill. Adm. Code 501 through 504.

m) Parts (Headings and Code Citations): Livestock Waste Regulations (35 Ill. Adm. Code 506)

1) Rulemaking: Docket number R98-26

A) Description: The Livestock Management Facilities Act (Livestock Act) (516 ILCS 77), effective May 21, 1996, sets forth an outline for the proper design, construction, operation, and management of livestock management facilities and associated waste handling structures. The Livestock Act also directs that the Board adopt rules for the implementation of the Livestock Act within six months after the Department of Agriculture filed proposed rules with the Board. On May 15, 1997, the Board adopted such rules for implementation by the Department of Agriculture. See 35 Ill. Adm. Code 506. Since adoption of those rules, the legislature amended the Livestock Act. See Public Act 90-565 (effective January 2, 1998). The Board opened this rulemaking on January 22, 1998, to request the Department of Agriculture to file a rulemaking proposal to incorporate and implement the amendments to the Livestock Act into the Board's regulations at 35 Ill. Adm. Code 506. To date, no proposal has been filed by the Department of Agriculture with the Board.

B) Statutory Authority: Implementing Section 55 of the Livestock Management Facilities Act [510 ILCS 77/55] and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

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C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the *Illinois Register* in the Spring of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect small business, small municipalities, or not-for-profit corporations to the extent that they own or operate a livestock management facility or associated waste handling structures.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Cynthia Ervin, Attorney  
Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, Illinois 62704  
217-524-8509  
Internet: [cervin@pcb084r1.state.il.us](mailto:cervin@pcb084r1.state.il.us)

G) Related rulemakings and other pertinent information: Pending rulemaking R98-11 (see item (1) above) could impact the provisions of associated 35 Ill. Adm. Code 501 through 504. No other presently-known proceeding would affect 35 Ill. Adm. Code 506.

n) Part(s) (Heading and Code Citation): Permits (35 Ill. Adm. Code 602)

1) Rulemaking: No docket presently reserved.

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A) Description: The IEPA is preparing a rulemaking proposal for filing before the Board to establish design, operation, and maintenance criteria for public water supplies (PWSs) and rules to facilitate the PWS permitting process.

B) Statutory Authority: Implementing Section 17 and authorized by Section 27 of the Act [415 ILCS 5/17 & 27].

C) Scheduled meeting/hearing dates: An IEPA submittal of the rulemaking proposal before the Board is anticipated by June 1999. When the proposal is submitted, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed by June 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations that own or operate a PWS. The IEPA anticipates that the rules will generally benefit these entities by clarifying the requirements for facility operations and permits. These amendments may add reporting requirements.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: [kcrowley@pcb084r1.state.il.us](mailto:kcrowley@pcb084r1.state.il.us)

G) Related rulemakings and other pertinent information: No other

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known proceeding would impact the provisions of Part 602.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Lou Allyn Byus  
Assistant Manager, Field Operations Services Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-8653

- o) Part(s) (Heading and Code Citation): System Capacity Standards (35 Ill. Adm. Code 604)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is preparing a rulemaking proposal for filing before the Board to add to 35 Ill. Adm. Code Subpart F (Subtitle F) rules setting forth technical, financial, and managerial requirements for new PWSs. The proposed amendments to Subtitle F are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA).

Public Act 90-773, effective August 14, 1998, inter alia, amends Sections 15 and 18 of the Act [415 ILCS 5/15 and 5/18] to require that a new PWS have the technical, financial, and managerial capacity to meet federal and State drinking water regulations.

B) Statutory Authority: Implementing Sections 15 and 18 and authorized by Section 27 of the Act [415 ILCS 5/15, 18 & 27].

C) Scheduled meeting/hearing dates: IEPA submittal of the rulemaking proposal before the Board is anticipated by June 1999. When the proposal is submitted, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed by June 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

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E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a new PWS, as defined by Section 3.28 of the Act - i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of prospective Part 604.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Stephen C. Ewart, Deputy Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave., East  
Springfield, Illinois 62702

p) Part(s) (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R99-12

A) Description: Section 17.5 of the Act [415 ILCS 5/17.5 (1994)]



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mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal SDWA primary drinking water regulations.

The Board has reserved docket number R99-12 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that USEPA may make in the period July 1, 1998, through December 31, 1998. At this time, the Board is aware that USEPA undertook five actions that affected the text of 40 CFR 141 through 143. These actions, together with a brief description of each, are as follows:

63 Fed. Reg. 43833 USEPA amended the variance and exemption (August 14, 1998) regulations to comply with the SDWA Amendments of 1996.

63 Fed. Reg. 44511 USEPA amended the public notice (August 19, 1998) regulations to include consumer confidence reporting requirements as required under the SDWA Amendments of 1996.

63 Fed. Reg. 47097 In a direct final rule, USEPA amended the (September 3, 1998) analytical methods requirements used to demonstrate compliance with the National Primary and Secondary Drinking Water Regulations (NPDWRs and NSDWRs).

63 Fed. Reg. 69390 USEPA adopted the disinfection and (December 16, 1998) disinfectant byproducts rule amendments to the NPDWRs.

63 Fed. Reg. 69477 USEPA adopted the interim enhanced (December 16, 1998) surface water treatment rule amendments to the NPDWRs.

63 Fed. Reg. 72200 USEPA expressly withdrew its September 3, (December 31, 1998) 1998 direct final rule amending the analytical methods.

The Board has not yet verified whether any of these listed federal actions will actually require amendments to the Illinois SDWA drinking water regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 141 through 143. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February

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1999. The Board will propose corresponding amendments to the SDWA drinking water regulations using the identical-in-substance procedure.

Section 17.5 mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is August 15, 1998, the due date for Board adoption of all amendments in the period would be August 15, 1999.

B) Statutory Authority: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 1999, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be August 14, 1999, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early May 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply", as defined by Section 3.28 of the Act - i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R99-12, as follows:

Dorothy Gunn, Clerk

## POLLUTION CONTROL BOARD

## JANUARY 1999 REGULATORY AGENDA

Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R99-12, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: Reserved rulemaking, R97-30 (see item (q) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 611.

Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- q) Parts (Headings and Code Citations): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R97-30

- A) Description: On June 19, 1997, the Board accepted a proposal filed June 2, 1997 by the IEPA. The IEPA proposal seeks to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross-reference the IEPA's own laboratory accreditation rules adopted as 35 Ill. Adm. Code 186. (22 Ill. Reg. 5546, effective March 4, 1998). Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are repealed joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety.

- B) Statutory Authority: Implementing Section 17 and authorized by Section 27 of the Act [415 ILCS 5/17 & 27].

- C) Scheduled meeting/hearing dates: No meetings or hearings are

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scheduled at this time. The Board will conduct at least two public hearings in separate areas of the State on the prospective amendments to Part 611 in accordance with the requirements of Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: Board proceedings were stayed pending IEPA completion of its rulemaking to adopt 35 Ill. Adm. Code 186, which occurred in March 1998. The Board is now waiting for the IEPA to complete and submit an amended proposal for Board consideration. When the Board adopts a First Notice opinion and order in this matter, it will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect a small business, small municipality, or not-for-profit corporation that owns or operates a PWS, as defined by Section 3.28 of the Act - i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable effect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-30, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R97-30, rulemaking as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929

## POLLUTION CONTROL BOARD

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Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

- G) Related rulemakings and other pertinent information: Interested persons may contact the IEPA about the content and timing of its submission of an amended rulemaking proposal as follows:

Rachel Doctors  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-5544

The presently-reserved routine identical-in-substance SDWA update docket, R99-12 (see item (p) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Part 611.

- r) Part(s) (Heading and Code Citation): Regulated Recharge Areas (35 Ill. Adm. Code 617)

- 1) Rulemaking: No docket presently reserved

- A) Description: The IEPA is preparing a rulemaking proposal for filing before the Board that would establish a regulated recharge area for the Pleasant Valley Public Water District. A new Subpart would state the requirements and standards for the protection of the Pleasant Valley Public Water District for certain types of existing or new potential sources or routes of groundwater contamination located wholly or partially within the regulated recharge area boundary delineated in the amendments.

- B) Statutory Authority: Implementing Section 17.4 and authorized by Section 27 of the Act [415 ILCS 5/17.4 & 27].

- C) Scheduled meeting/hearing dates: IEPA submittal of the rulemaking proposal is anticipated by February 1999. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: After the IEPA submittal of the rulemaking proposal before the Board, the Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28] and will cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for First Notice.

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- E) Affect on small businesses, small municipalities, or not-for-profit corporations: Small businesses, small municipalities, or not-for-profit corporations that engage in certain activities in the affected area may be affected by contingency planning requirements that would be part of the amendments, and they may have constraints upon expansion of activities that are hazardous to the groundwater protected by the regulated recharge area.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the provisions of Part 617.

In preparing its proposal for submission before the Board, the IEPA has held one public hearing pursuant to 35 Ill. Adm. Code 164 on the proposal for a regulated recharge area on January 26, 1995. Public comments on the proposal were received. On June 7, 1996, IEPA held a workshop on the proposal. The IEPA has not set dates for further meetings.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East



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P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-8653

- s) Part(s) (Heading and Code Citation): Maximum Setback Zones (35 Ill. Adm. Code 618)

- 1) Rulemaking: No docket presently reserved

A) Description: The IEPA is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. A new Part would, in subpart B, State maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615 and 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company, Peoria, wells as delineated within the prospective regulation.

B) Statutory Authority: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 & 5/27].

C) Scheduled meeting/hearing dates: IEPA submittal of the rulemaking proposal is anticipated by June 1999. When the proposal is submitted to the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: After the IEPA submittal of the rulemaking proposal before the Board, the Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] and will cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small Businesses, small municipalities or not-for-profit corporations: The prospective rules would affect small businesses, small municipalities and not-for-profit corporations that engage in certain activities in the affected area by imposing constraints on new activities within the maximum setback zone that the rule would establish.

F) Agency contact person for information: Address written comments

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concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
Internet: kcrowley@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the provisions of Part 618.

In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new meetings are scheduled at this time.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-8653

- t) Part(s) (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

- 1) Rulemaking: No docket presently reserved

A) Description: The IEPA is considering filing a rulemaking proposal

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before the Board. The proposal would amend Section 620.505 of the groundwater quality regulations (35 Ill. Adm. Code 620.505) in response to an interpretation of that Section by the appellate court in *People v. Stonehedge* (94-CR-46, May 22, 1997). The existing Section 620.505 rule breaks compliance monitoring points into different categories. Samples taken from potable water wells other than community water supply wells are acceptable under certain circumstances. The amendments would seek to expand the circumstances where the use of other wells is acceptable to include those for which the IEPA has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from the wells. The amendment would provide increased protection of the groundwater by allowing sampling of a greater number of sampling points.

B) Statutory Authority: Implementing Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8] and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: An IEPA submittal of the rulemaking proposal is anticipated by June 1999. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: After the IEPA submittal of the rulemaking proposal before the Board, the Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small businesses, small municipalities or not-for-profit corporations: The prospective amendments would affect small businesses, small municipalities, and not-for-profit corporations to the extent they engage in any activity that requires demonstration of compliance with the groundwater quality standards.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: korowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the provisions of Part 620.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-8653

u) Parts (Headings and Code Citations):

RCRA and UTC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)

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Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R99-15

A) Description: Section 22.4(a) of the Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C regulations to reflect the USEPA amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R99-15 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 1998, through December 31, 1998. At this time, the Board is aware of the following federal actions that occurred in this time-frame:

63 Fed. Reg. 37780 (July 14, 1998) USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment. (The Board incorporated these amendments in the consolidated RCRA Subtitle C and UIC update dockets R98-21/R99-2/R99-7.)

63 Fed. Reg. 42109 (August 6, 1998) USEPA adopted new waste listings and land disposal restrictions for petroleum wastes, including certain exclusions from regulation as hazardous waste. (The Board incorporated most but not all of these amendments in update docket R98-21/R99-2/R99-7.)

63 Fed. Reg. 42580 (August 10, 1998) USEPA changed the effective dates of the land disposal restrictions for organobromine production wastes. (The Board incorporated these amendments in update docket R98-21/R99-2/R99-7.)

63 Fed. Reg. 46331 (August 31, 1998) USEPA adopted an exclusion of zinc micronutrient fertilizers from the land disposal restrictions applicable to metal-bearing wastes. (The Board incorporated these amendments in update docket R98-21/R99-2/R99-7.)

63 Fed. Reg. 47415 (September 4, 1998) USEPA changed the effective dates and adopted emergency amendments to the land disposal restrictions applicable to several carbamate wastes and waste constituents.

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63 Fed. Reg. 48124 (September 9, 1998) USEPA extended the compliance deadline for the land disposal restrictions for certain metal recovery wastes from secondary lead smelters. (The Board incorporated these amendments in update docket R98-21/R99-2/R99-7.)

63 Fed. Reg. 51253 (September 24, 1998) USEPA adopted land disposal restriction treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998) USEPA changed the effective date for petroleum waste rules as adopted on August 8, 1998. (The Board incorporated these amendments in update docket R98-21/R99-2/R99-7.)

63 Fed. Reg. 56709 (October 22, 1998) USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998) USEPA issued a final decision not to list 14 waste solvents as hazardous waste. (The determination resulted in no amendments to the federal RCRA Subtitle C rules.)

63 Fed. Reg. 65873 (November 30, 1998) USEPA adopted new requirements applicable to hazardous remediation wastes that are treated, stored, or disposed of during the course of cleanup actions.

The Board has not yet verified whether any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 1999. The Board will propose corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure.



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Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is August 6, 1998, the due date for Board adoption of all amendments in the period would be August 6, 1999.

B) Statutory Authority: Implementing Section 22.4(a) and authorized by Section 27 of the Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 1999, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be August 6, 1999, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R99-15, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket

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number R99-15, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6924

Internet: [mmccambr@pcb084r1.state.il.us](mailto:mmccambr@pcb084r1.state.il.us)

G) Related Rulemakings and other pertinent information: The reserved UIC update docket R99-13 (see item (v) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739.

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

v) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
UIC Permit Programs (35 Ill. Adm. Code 704)  
Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R99-13

A) Description: Section 13(c) of the Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the USEPA UIC regulations.

The Board has reserved docket number R99-13 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 1998, through December 31, 1998. At this time, the Board has determined that two federal actions have occurred during the update period:

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63 Fed Reg. 42109 USEPA adopted new waste listings and land disposal restrictions for petroleum wastes, including certain exclusions from regulation as hazardous waste. (The Board incorporated all the UIC segments of these amendments in the consolidated RCRA Subtitle C and UIC update dockets R98-21/R99-2/R99-7.)

63 Fed Reg. 42580 USEPA changed the effective dates of the land disposal restrictions for organobromine production wastes. (The Board incorporated all the UIC segments of these amendments in the consolidated update docket R98-21/R99-2/R99-7.)

The reserved RCRA Subtitle C update docket R99-15, and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738.

The Board has not yet verified whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 144 through 148. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 1999. The Board will propose corresponding amendments to the UIC regulations using the identical-in-substance procedure.

Section 13(c) of the Act mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is July 1, 1998, the due date for Board adoption of all amendments in the period would be July 1, 1999.

B) Statutory Authority: Implementing Section 13(c) and authorized by Section 27 of the Act (415 ILCS 5/13(c) & 27).

C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 1999, after which time

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the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 1999, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the underground injection of waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R99-13, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R99-13, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved RCRA Subtitle C docket R99-15 (see item (u) above) and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, 730, and 738.

Section 13(c) of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for

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45 days after the date of publication.

- w) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking: No docket number yet reserved

A) Description: The Board adopted the Part 732 rules applicable to petroleum underground storage tanks in March 1997. Implementation since that time by the IEPA has demonstrated the need to amend, correct, and clarify various aspects of the rules. The purpose for amendment, correction, and clarification to existing rules is to ensure consistency in implementation of the leaking underground storage tank, site remediation, and Tiered Approach to Corrective Action Objectives (TACO) programs. (See items (x) and (y) below.)

B) Statutory Authority: Sections 27 and 28 of the Act [415 ILCS 5/27 and 28].

C) Scheduled Meeting/Hearing Dates: None at this time. Once the proposal is filed, the Board will conduct public hearings according to the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: An IEPA submittal to the Board is expected by June 1999, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not-for-profit Corporations: The Board anticipates that small businesses, small not-for-profit corporations, and small municipalities may be affected by this rule to the extent they own or operate a petroleum underground storage tank.

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney

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Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: No other presently-known proceeding would impact the general provisions of Part 732.

The IEPA has stated that it may propose related amendments to the Parts 732, 740, and 742 regulations by June 1999. (See items (x) and (y) below.) For information regarding the IEPA's development of its proposals for amendments, please contact the following IEPA attorney:

Kimberly A. Robinson  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

x) Part, Heading and Code Citation: Site Remediation Program (35 Ill. Adm. Code 740)

1) Rulemaking: No docket presently reserved.

A) Description: The Board adopted the Part 740 site remediation rules in June 1997. Implementation since that time by the IEPA has demonstrated the need to amend, correct, and clarify various aspects of the rules. The purpose for amendment, correction, and clarification to existing rules is to ensure consistency in implementation of the leaking underground storage tank, site remediation, and TACO programs. (See items (w) above and (y) below.)

B) Statutory Authority: Sections 27 and 28 of the Act [415 ILCS 5/27 and 28].

C) Scheduled meeting/hearing dates: None at this time. Once the proposal is filed, the Board will conduct public hearings according to the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: IEPA submittal of a proposal to the Board is expected by June 1999, after which the



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Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Board anticipates that small businesses, small not-for-profit corporations, and small municipalities may be affected by this rule to the extent they engage in environmental remediation under the Site Remediation Program. In most cases, participation in the Site Remediation Program is voluntary, the exception being participation under Board or court orders arising out of enforcement actions. For those who do choose to participate in the program, the IEPA has stated that it does not anticipate that the proposed amendments would make substantial changes to the existing program.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the general provisions of Part 732.

The IEPA has stated that it may propose related amendments to the Parts 732, 740, and 742 regulations by June 1999. (See items (w) above and (y) below.) For information regarding the IEPA's development of its proposals for amendments, please contact the following IEPA attorney:

Mark Wight  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East

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P. O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

- Y) Part(s) (Headings and Code Citation): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Board adopted the Part 742 TACO rules in June 1997. Implementation since that time by the IEPA has demonstrated the need to amend, correct, and clarify various aspects of the rules. The purpose for amendment, correction, and clarification to existing rules is to ensure consistency in implementation of the leaking underground storage tank, site remediation, and TACO programs. (See items (w) and (x) above.)

- B) Statutory Authority: Sections 27 and 28 of the Act [415 ILCS 5/27 and 28].

- C) Scheduled Meeting/Hearing Dates: None at this time. Once the proposal is filed, the Board will conduct public hearings according to the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date Agency Anticipates First Notice: IEPA submittal of a proposal to the Board is expected by June 1999, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: The Board anticipates that small businesses, small not-for-profit corporations, and small municipalities may be affected by this rule to the extent they engage in voluntary corrective action under the TACO Program.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

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Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
Internet: kcrowley@pcb084r1.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the general provisions of Part 732.

The IEPA has stated that it may propose related amendments to the Parts 732, 740, and 742 regulations by June 1999. (See items (w) and (x) above.) For information regarding the IEPA's development of its proposals for amendments, please contact the following IEPA attorney:

Kimberly A. Robinson  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

2) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)  
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)  
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R99-14

A) Description: Section 22.40(a) of the Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the USEPA amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R99-14 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 1998, through December 31, 1998. At this time, the Board has determined that a single

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federal action has occurred during the update period:

- 63 Fed. Reg. 57025 USEPA adopted requirements for State (October 23, 1998) nonhazardous waste program authorization and for systems for State-granted permits or other prior approvals for nonhazardous waste landfills and for landfills accepting conditionally-exempt small-quantity generator waste.

The Board has not yet verified whether any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle D MSWLF regulations. The Board has not yet determined whether this is the sole federal action that affects the text of 40 CFR 258. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 1999. The Board will propose corresponding amendments to the RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure.

Section 22.40(a) of the Act mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R99-14, if the earliest federal amendments in the applicable period is assumed to have occurred on October 23, 1998, the nominal due date would be October 23, 1999.

- B) Statutory Authority: Sections 22.40(a) and 27 of the Act [415 ILCS 5/22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 1999, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be October 23, 1999, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-July 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

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E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R99-14, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R99-14, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815.

Section 22.40(a) of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

aa) Parts (Headings and Code Citations): Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 817)

1) Rulemaking: Docket Number R97-27

A) Description: On March 4, 1997, the Illinois Cast Metals Association (ICMA) filed a proposal with the Board to amend 35 Ill. Adm. Code 817.101. Section 817.101 addresses the scope and

## POLLUTION CONTROL BOARD

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applicability of Part 817, Requirements for New Steel and Foundry Industry Wastes Landfills. Generally, certain steel and foundry operations may opt to comply with the Part 817 requirements in lieu of disposing of their wastes as chemical waste in Part 811 landfills. Part 817 contains requirements for management and disposal of certain steel and foundry wastes that meet the waste classification criteria (maximum allowable leaching concentrations (MALCs)). ICMA proposes to expand the scope of Part 817 to allow certain nonferrous foundries the option of availing themselves of Part 817. Specifically, ICMA proposes to include the following among those wastes that may come within Part 817: non-putrescible wastes produced by nonferrous foundry processes covered by SIC Codes 3365 and 3366, with the exception of those foundries that pour leaded brass.

B) Statutory Authority: Sections 21, 22, 27 and 28 of the Illinois Act [415 ILCS 5/21, 22, 27 & 28].

C) Scheduled meeting/hearing dates: The first hearing in this matter was held in Chicago, Illinois on June 2, 1997. The second hearing, originally scheduled to take place in Springfield, Illinois, was twice postponed at the request of ICMA. The second hearing has been postponed several times at the joint request of ICMA and the IEPA. The second hearing has not yet been rescheduled. The Board will conduct any hearing in accordance with the requirements of Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: As described above, the second hearing in this matter has been postponed several times and has not yet been rescheduled. Depending in part upon if and when the second hearing in this matter takes place, the Board may cause First Notice publication of a Notice of Proposed Amendments in 1999.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: The amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates certain nonferrous foundries or certain steel and foundry industry waste landfills.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-27, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street



## POLLUTION CONTROL BOARD

## JANUARY 1999 REGULATORY AGENDA

Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R97-27, as follows:

Richard R. McGill, Jr., Attorney  
Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-6983  
Internet: rmcgill@pcb084r1.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Part 817.

## DEPARTMENT OF STATE POLICE

## JANUARY 1999 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 1210

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.
- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

- G) Related rulemakings and other pertinent information: None.

- b) Part (Heading and Code Citation): Illinois Uniform Conviction Information Act; 20 Ill. Adm. Code 1215

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Illinois Uniform Conviction Information Act.
- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2635/19
- C) Schedule of meeting/hearing date: No schedule has been established at this time.

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D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

c) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Intergovernmental Drug Enforcement Act.

B) Statutory Authority: 20 ILCS 2605/55a and 30 ILCS 715/5

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102

## DEPARTMENT OF STATE POLICE

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P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

d) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.

B) Statutory Authority: 20 ILCS 2605/55a, 720 ILCS 550/12 and 720 ILCS 570/505

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

e) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with granting, denying and revoking the Firearm Owner's Identification Card and related

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## activities.

- B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/11
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

- f) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.
- B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

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F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

- g) Part (Heading and Code Citation): Law Enforcement Agencies Data System (LEADS); 20 Ill. Adm. Code 1240

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the LEADS computer network.
- B) Statutory Authority: 20 ILCS 2605/55a
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

- h) Part (Heading and Code Citation): Gang Crime Witness Protection Act; 20 Ill. Adm. Code 1275



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## 1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the Gang Crime Witness Protection Act.

B) Statutory Authority: 20 ILCS 2605/55a and 725 ILCS 172/5

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

i) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280

## 1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 150/4

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

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E) Effect on small businesses, small municipalities or not for profit corporations: The amendment or rule will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

j) Part (Heading and Code Citation): Child Sex Offender and Murderer Community Notification Law; 20 Ill. Adm. Code 1282

## 1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to implementation of the Child Sex Offender and Murderer Community Notification Law.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 152

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

## DEPARTMENT OF STATE POLICE

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- G) Related rulemakings and other pertinent information: None.

k) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 5/5-4-3

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, Illinois 62794-9461  
217/782-7658

G) Related rulemakings and other pertinent information: None.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1999 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Provisions 23 Ill. Adm. Code 2700

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1999.

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

G) Related rulemakings and other pertinent information: None.

b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP) 23 Ill. Adm. Code 2720

1) Rulemaking:

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A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1999.

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

G) Related rulemakings and other pertinent information: None.

c) Part (Heading and Code Citation): Illinois Veteran Grant (IVG) Program 23 Ill. Adm. Code 2733

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to

## ILLINOIS STUDENT ASSISTANCE COMMISSION

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increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1999.

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

G) Related rulemakings and other pertinent information: None.

d) Part (Heading and Code Citation): Monetary Award Program (MAP) 23 Ill. Adm. Code 2735

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].



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C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1999.

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

G) Related rulemakings and other pertinent information: None.

e) Part (Heading and Code Citation): Higher Education License Plate (HELP) Grant Program 23 Ill. Adm. Code 2737

1) Rulemaking:

A) Description: These proposed rules govern the administration of the new Higher Education License Plate (HELP) Grant Program. The rulemaking sets forth the applicant eligibility requirements, program procedures, and institutional procedures.

B) Statutory Authority: Implementing Section 37 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/37 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1999.

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1999 REGULATORY AGENDA

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

G) Related rulemakings and other pertinent information: None.

f) Part (Heading and Code Citation): Merit Recognition Scholarship (MRS) Program 23 Ill. Adm. Code 2761

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1999.

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

G) Related rulemakings and other pertinent information: None.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

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- g) Part (Heading and Code Citation): College Savings Bond Bonus Incentive Grant (BIG) Program 23 Ill. Adm. Code 2771

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act and by Section 75 of the Higher Education Student Assistance Act [110 ILCS 920/8 and 947/75].

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1999.

- E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

- G) Related rulemakings and other pertinent information: None.

- h) Part (Heading and Code Citation): Limitation, Suspension and Termination (L, S&T) Proceedings 23 Ill. Adm. Code 2790

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to

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technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing and authorized by the Higher Education Student Assistance Act [110 ILCS 947] and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.).

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1999.

- E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Name: Mr. Thomas A. Breyer  
Deputy Program Officer  
Address: Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
Telephone: 847-948-8500

- G) Related rulemakings and other pertinent information: None.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of January 12, 1999 through January 18, 1999 and has been scheduled for review by the Committee at its February 17, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/25/99	Department of Public Health, Regional Poison Control Center Code (77 Ill Adm Code 215)	8/28/98 22 Ill Reg 15517	2/17/99

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatiale@ccgate.sos.state.il.us (Internet address).

PROPOSED

PEREMPTORY

- |            |            |
|------------|------------|
| 8-600-2    | 41-120-1   |
| 17-670-4   | 44-1120-4  |
| 23-1501-1  | 47-310-5   |
| 26-100-3   | 50-2500-1  |
| 26-125-4   | 50-2505-1  |
| 32-331-5   | 50-2510-1  |
| 35-307-3   | 50-2515-1  |
| 35-808-1   | 50-2520-1  |
| 35-809-1   | 50-2525-1  |
| 35-811-1   | 56-2770-1  |
| 56-2665-4  | 59-119-1   |
| 68-1320-1  | 68-590-2   |
| 77-820-5   | 68-610-2   |
| 77-2060-5  | 77-245-4   |
| 80-2700-2  | 77-250-4   |
| 83-451-1.5 | 77-300-4   |
| 89-112-2.4 | 77-330-4   |
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| 89-114-2   | 77-350-4   |
| 89-140-1   | 77-370-4   |
| 89-148-4   | 77-390-4   |
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|            | 89-563-5   |
|            | 89-567-5   |
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|            | EMERGENCY  |
|            | 26-100-3   |
|            | 26-125-4   |
|            | 80-2700-2  |
|            | 89-112-2.4 |
|            | 89-113-2   |
|            | 89-114-2   |

ADOPTED

- |          |
|----------|
| 8-20-2   |
| 8-40-2   |
| 8-55-2   |
| 8-75-2   |
| 8-80-2   |
| 8-85-2   |
| 8-100-2  |
| 8-105-2  |
| 8-110-2  |
| 8-115-2  |
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| 17-3045  |
| 32-401-1 |
| 32-410-1 |
| 35-304-3 |
| 35-741-2 |





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